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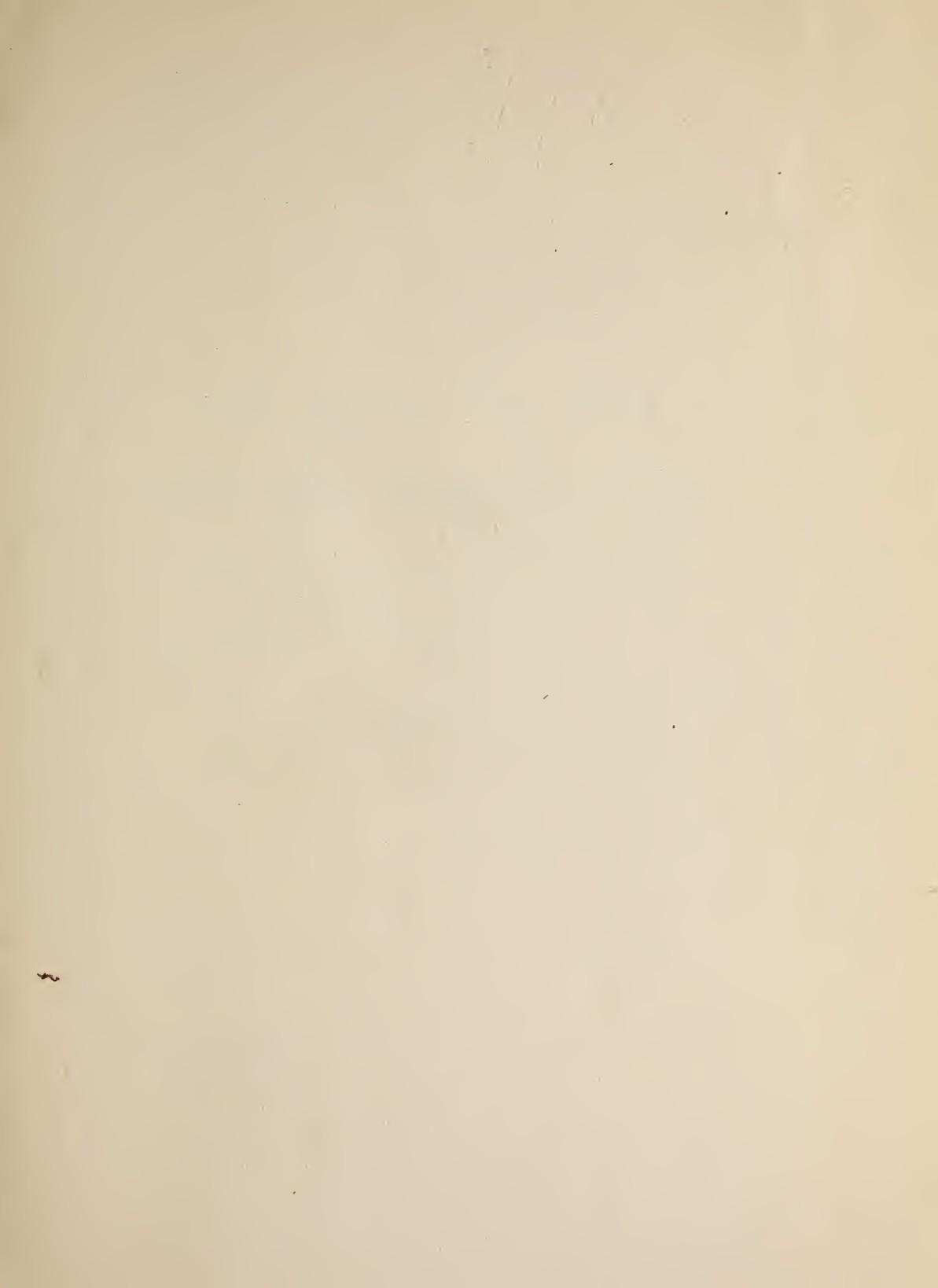
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THE BOOK OF THE OLD EDINBURGH CLUB

Issued to Members

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THE BOOK OF THE
OLD EDINBURGH
CLUB

ELEVENTH VOLUME



EDINBURGH

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PLATES

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MAP OF EDINBURGH IN THE MID-EIGHTEENTH CENTURY¹

IN these days of sketching and photography the step from the obvious to the elusive is not very plain.

In the sixteenth century, when sketching was rare and photography was unknown, every one knew what Holyrood Abbey, for example, was like, and so no one deemed it worth while to draw or accurately to describe it, but to us, four centuries later, its appearance eludes us, and is almost altogether unknown. Even in the eighteenth century, when the old city of the north was at the zenith of its reputation, every one knew the spot where anything historical happened, and where any historical personage dwelt. But so obvious was it all that almost no record has been left.

In the course of our reading of the old days we are often eager to know where this or that was, whether it be a house of historic importance, or the residence of some one of note ; but the records are so scanty, and, even where they do exist, are so inexact, that the fixing now of such spots is difficult and, in certain cases, impossible.

As this difficulty is getting greater year by year, no time was to be lost if anything was to be attempted to meet the want. Hence the idea of preparing yet another plan of Old Edinburgh with the view of trying to indicate as many places of interest as possible.

The places of interest at first selected numbered about six hundred ; but of these only about three hundred have

¹ Map in pocket at end of volume.

been identified, although the lists have been passed through the hands of many well-known antiquaries.

Notwithstanding this comparative failure to overtake an exhaustive list, it was deemed right to attempt the task of embodying in the form of a map all the facts which could be ascertained, in case the knowledge even of these should be lost.

The first point was to decide what period should be taken. From the point of view of historic interest the time of Queen Mary might appear suitable, but the topographic material for that early period is so scanty, that a satisfactory result would be well-nigh impossible. Consequently the middle of the eighteenth century has been selected as being the period when the interest in the history of the Old Town reached its culminating point. This is also the period immediately preceding that in which the desire for city expansion and improvement resulted in the rise of the New Town and the disappearance of many interesting features in the Old.

The next consideration was to determine the preparation and scale of the map.

Edgar's published maps were too small for the purpose ; later and larger scaled surveys were not accurate enough ; and at length it was determined to take the 1851 Ordnance Survey for the basis, and thus to secure accuracy, the earlier surveys of parts altered or cleared away being used to supplement and correct the later. The map thus constructed is over $7\frac{1}{2}$ feet long, but it has been reproduced on a reduced scale by Messrs. Bartholomew, so that it would not be too bulky for our volume, or unwieldy for the student.

A list, lettered for reference, is given of the surveys and other authorities which have been relied upon in constructing the map ; and this is followed by an alphabetical index of localities and houses with references to the preceding list for the authority on which the identifications have been based. There is also appended a list of wynds and closes, taken from

the 1851 Survey, and from Peter Williamson's list, published in 1783.

Although the author is cognisant of difficulties and probable errors, he hopes that on the whole the identifications are as accurate as can be now obtained. To the many friends who have helped, the warmest thanks of all lovers of Edinburgh are due, but special mention of Mr. William Cowan, the President of the Club, must be made, for so kindly and so thoroughly revising both the map and the accompanying lists, providing thereby as thorough accuracy in research as is possible to-day.

HENRY F. KERR.

MAP OF EDINBURGH

LIST OF AUTHORITIES

- A Unpublished Plans in possession of the City, and lying in the office of the City Architect.
- a* Survey by J. Fergus and R. Robinson (North Side) 1759
 - b* A Plan of the Lands belonging to the City of Edinburgh, etc. (South Side), J. Scott 1759
 - c* Plan of early buildings—Tron Church and College, etc., and from Stevenlaw's Close to Robertson's Close ?1780
 - d* Parliament Close 1790
 - e* Lawnmarket and adjacent buildings, from Sibbald (Parliament Square to West Bow, copy by Bonnar) 1816
 - f* Sketch, part Parliament House and St. Giles' from Sibbald (Forrester's Wynd, copy by Bonnar) 1816
 - g* Closes at County Hall (Libberton's Wynd)
 - h* Plan of Crown Property at the Castle (Downing) 1853
 - i* Western Division, North Loch (Sibbald, copy) 1813
 - k* Lawnmarket and Cowgate ?1828
 - l* Survey—Grainger and Miller 1828
 - m* Plans and Photographs of Trinity College Church .
 - n* North British Railway Extensions (Trinity College Church)
 - o* City Improvements (George iv. Bridge) 1850
 - p* New Roadway, Waverley Bridge to Tron Church (Cockburn Street) 1851
 - q* Plan of Area at foot of High Street (St. Mary's and Leith Wynds)
 - r* City Improvements (Jeffrey Street)
 - s* Vicinity of St. Giles' and Royal Exchange (Robert Miller's Special Plan)
- B Plan of the City by Gordon of Rothiemay. 1647. Re-engraved with slight alterations by Andrew Johnston, *circa* 1710.
- C Plan by William Edgar. 1742.
- D Plan by William Edgar. Enlarged copy in the possession of H.M. Office of Works.
- E Plan by William Edgar. Revised to date. 1765.

- F Plan by John Ainslie. 1804.
- G Plan of Edinburgh and Environs by Robert Kirkwood. 1817.
- H Ordnance Survey. 5-foot scale. 1851.
- I Parliament Square Buildings, in the possession of H.M. Office of Works.
- K Plan of Ground north of the Hospital. Heriot Trust.
- L Elevations of Houses in the West Bow. By Thomas Hamilton.
- M Wilson's Memorials of Edinburgh. Second edition. 1891.
- N Crawford's History of the University of Edinburgh. 1808.
- O P. Miller. The Old Tolbooth. Proc. of the Society of Antiquaries, xx. 360.
- P P. Miller. The Mercat Cross. Proc. of the Society of Antiquaries, xxx. 377.
- Q P. Miller. The Town Walls. Proc. of the Society of Antiquaries, xxi. 251.
- R D. Wilson. The Black Turnpike. Proc. of the Society of Antiquaries, xxiv. 415.
- S C. Boog Watson. Heron's Court, etc. Proc. of the Society of Antiquaries, xlvi. 250.
- T R. R. Anderson. Plans of the Castle. Proc. of the Society of Antiquaries, xlvii. 17.
- U W. Moir Bryce. The Flodden Wall. Book of Old Edinburgh Club, ii. 61.
- V W. Moir Bryce. The Blackfriars' Monastery. Book of Old Edinburgh Club, iii. 13.
- W W. T. Oldrieve. David's Tower. Book of Old Edinburgh Club, vi. 1.
- X R. Miller. John Knox and the Town Council of Edinburgh. 1898.

MAP OF EDINBURGH

ALPHABETICAL INDEX OF LOCALITIES AND HOUSES
WITH REFERENCES TO THE PRECEDING LIST OF
AUTHORITIES.

Note.—Buildings still existing are marked by an asterisk.

Abbey Church Yard, north and east of Chapel Royal	C
Abbey Strand, between Girth Cross and Abbey Porch	
Abbot Ballantyne's House, within the Abbey Precincts	H, M II 117
*Acheson House, 1622, Bakehouse Close	M II 103
Adam Square, 1770, east end of present Chambers Street	E
*Alison Square, 1750, between Nicolson Square and Potterrow	E
Ancrum House, west of Moubray House	M II 49
Antiquarian Society, Heron's Court, Cowgate	S
Argyll Square, now Chambers Street	C
*Argyll Battery, Castle, centre of north side	
Assembly Rooms, West Bow	L, M II 162
" " Assembly Close, High Street	M II 32
Balcarres (Countess) House, Hyndford Close, High Street	
Ballantyne's (Abbot) House, within the Abbey Precincts	H, M II 117
Balmerino House, east of Knox's House	M II 53
Bank of Scotland, 1695, Old Bank Close, Lawnmarket	C
*Bank Street, 1798	
Baresse, Tilting Ground, south of Castle, west of Grass- market	M I 178
*Bath, Queen Mary's, near Water Gate, Canongate	
Beaton (Cardinal) House, Cowgate and Blackfriars' Wynd	M II 134
Bedlam, north of Darien House, Bristo	F
Bellenden's (Lord), <i>v.</i> Golfers' Land, Canongate	M II 111
Black Turnpike, west of Tron Kirk	M II 35, R
Blackfriars' Monastery, 1230, south of Cowgate Port	V
Borland's House, west of Grassmarket	M I 178
*Bothwell (Commendator) House, Byres' Close, High Street	M II 8
*Bowfoot Well, Grassmarket	C
Bowling Green, Canongate, west of Tolbooth	C

Breach of Drury's Work, north side of Castle Bank	D
Bristo Port, on Flodden Wall, south end Candlemaker Row	C
*Brodie (Deacon) House, Lawnmarket	M I 222
*Brown Square, 1764, north of Bristo Port	E
Buchanan, George, Kennedy's Close, High Street	C, M II 36
Butter Tron (Weigh House), head of West Bow	C
Butts, about centre of south side of Castle,	D
Cadell's House, Brown's Court, Canongate	H
<i>Caledonian Mercury</i> , Craig's Close, High Street	H
*Callendar's House, Canongate	D
*Campbell's Land, Canongate, east of Tolbooth	D
*Cannonball House, 1630, Castle Hill	M I 179
*Canongate Church, east of Tolbooth	
Chancellor's House, south of Holyrood	C
Charity Workhouse, south-east of Bristo Port	C
" Canongate	E
*Chessel's Court, Canongate	E
Clamshell Turnpike, west of Tron Church	M II 33, R
Clerihugh's Tavern, Writers' Court, Royal Exchange	M II 17
Clockmakers' Land, West Bow	M II 164
Closes, <i>v.</i> Special List.	
Coal Market, Marlin's Wynd	D
Cockpen House, Castle Hill	M I 187
College, on site of Church of St. Mary in the Fields: Duke of Hamilton's Lodging used as Classrooms, 1583.	C, N 21, 144, 150-154
North Gateway, 1636; Steeple over same, 1681.	
Principal's House, Provost's Lodging.	
Library.	
Chambers for Students—	

J built by Jossie over Gateway.	M (2) built by Moray
T (2) built by Trotter.	S (2) " Simpson
E (2) " Elise	S " Synserf
J (4) " Johnston	M " Menteith (High Chambers)
F " Fleming	H " Sir Thos. } 4 in
H " Henrieson	Hope } Higher
T " Thomson	R " Rig } Court

MAP OF EDINBURGH

Cornmarket, Grassmarket, east end	C
(Later the Cornmarket was across the west end.)	
Courant Office, Borthwick's Close, High Street, below Cross	H
*Croft-an-Righ, north-east of Holyrood	H
Cross, Mercat, east of St. Giles' (2 positions), 1617, 1736	C, P
* " Canongate	M II 91
" St. John's, Canongate	
" Girth, or Grass Cross, near Water Gate at foot of Canongate	C
Cunzie House, Candlemaker Row	M II 167
Darien House (?), Bristo, 1698	C
David's Tower, Castle, site enclosed by Half-Moon Battery, 1367-1573	W
Douglas, Duke of, Potterrow	C
Dunkeld, Bishop of, Robertson's Wynd, Cowgate	M II 136
Eastern road to Leith, via Abbeyhill	C
*Elphinstone House, S. Gray's Close (Cowgate),	M II 66
*Exchange, Royal, Council Chambers, High Street	E
Exchange, Piazza, Parliament Square, 1685	S
Excise Office, Netherbow	M II 53
" Cowgate	C, M II 147
Execution, place of, v. Gallows.	
Fife, Earl of, Potterrow	C
Fishmarket, Old Fishmarket Close	C
Flanker, at Castle Moat	D
Fleshmarket, Laigh and Upper, near Milne's Square	C
" Canongate, near Leith Wynd	C
Flodden Wall	Q, U
Forbes', Sir William, Bank, Parliament Close	M I 273
Forrester's Wynd, and House, west of St. Giles'	C
Fosse, Eastern Moat of Castle	D
French Ambassador's Chapel, Cowgate, west of Libber- ton's Wynd	M II 147
Gabriel's Road at Multree's Hill	

Gaelic Chapel, Grassmarket, 1767	F
Galloway House, Horse Wynd (Cowgate)	M II 143
Gallows, east end of Grassmarket	H
" Old Tolbooth, High Street	
" Gibbet Loan, north-east corner of East Preston Street	not in map
" Leith Walk	
George Inn, Bristo	
Girth or Grass Cross, foot of Canongate	C
*Gladstone's Land, Lawnmarket	M I 210
Glenorchy's (Lady) Church, near Trinity College 1772-1845	F
Goldsmiths' Hall, Parliament Close	
*Golfers' Land, Canongate, Malloch's Close	M II 110
Gordon House, Castle Hill	M I 180
Gourlay House, Lawnmarket (Old Bank Close)	M I 223
*Governor's House, Castle	D
Grand Breach of Drury's Work, <i>v.</i> Breach.	
Greenmarket, south of Tron Kirk	C
Greyfriars' Monastery, 1471, south-east of Grassmarket .	H
*Greyfriars', Old and New Churches, 1612, 1721	
Guardhouse, Town, near Tron Kirk	C
Guise, Mary of, Palace, Castle Hill	M I 190
 Haddington House, west end of Cowgate	C, M II 147
" " South Back Canongate (Haddington Entry)	H
Haddo's Hole Kirk, at north-west corner of St. Giles' .	C
Hailes' (Lord) House, New Street	H
*Half-Moon Battery, east of Castle	
*Hall (Parliament) of Castle, south side	
*Hammermen's Chapel (Magdalen Chapel), west end of Cowgate	
Hangman's House, behind Parliament Square, Cowgate	S
Hawkhill, in Castle, about centre	D
*High Kirk, east end of St. Giles'	C
High Riggs House, west end of West Port	H
High School, 1587, High School Yards	B, C
" " 1777, " " "	B, C

MAP OF EDINBURGH

*High School, Royal, Regent Road		
" Canongate, 1714, west Common Close, formerly High School Close	M II 79	
*Holyrood House, or Palace, foot of Canongate		
Hope House, Castle Hill	M I 197	
Hospital, Trinity, 1479, Leith Wynd	C	
" St. Thomas', foot of Canongate	M II 115	
Hunter (John), end of High School Close, Canongate		
*Huntly House, Canongate, 1591	M II 102	
Hyndford House, Hyndford Close, Netherbow		
 Infirmary (Old), 1736, east of College	C	
 *Jack's Land, north side Canongate (D. Hume's resi- dence)	M II 94	
 *Kames' (Lord) House, New Street (south-east corner) .	M II 85	
*Kilwinning (Lodge Canongate Kilwinning) Lodge, St. John Street		
King's Head Inn, Cowgate (west end)	M II 150	
Kirk o' Field, St Mary's in the Fields	H	
Kirk Loan, from St. Cuthbert's, <i>via</i> Lang Dykes to Stockbridge		
Knights Templar, Grassmarket and West Port		
Knox, John, Houses occupied by:	X	
Forrester's Wynd.		
Ireland's Close (Dunbar's).		
Moubray's House (Warriston Close).		
Brown's Close.		
New Fleshmarket.		
Netherbow.		
 Lady Glenorchy's Church, near Trinity College Church	F	
Lady Yester's Church, 1649, High School Yards	C	
Lang Dykes, Lang Gait, north of valley	C	
Lockhart's House (Society of Antiquaries), Heron's Court, Cowgate	S	
Lothian Hut, south-east of Girth Cross	H	

Lovat's Land, between Strichen's Close and Blackfriars'		
Wynd	M II	56
Luckenbooths, north of St. Giles' Church	C, O	
 *Magdalen Chapel, 1503, west end of Cowgate	C	
Mahogany Land, West Bow	L	
Markets, Flesh, Upper and Laigh, north of Milne's Square	D	
Market, Fish, Cowgate and High Street, north-east of Meal Market	D	
Market, Meal, Cowgate, south of Parliament Hall	D	
Markets, Poultry and Green, south of Tron Kirk	D	
*Mary's (Queen) Bath, near Water Gate		
Mary's Chapel, Niddrie Wynd	C	
Mary King's Close, and Cottage, north of Royal Ex- change	C	
Maxwell (Lady), Hyndford Close, near Netherbow	C	
Meal Market, south of Parliament Square	C	
Meeting House (Portsburgh), near West Port	G	
*Meeting House, Bristo	C	
Mercat Cross, High Street, east of St. Giles'	C	
<i>Mercury (Caledonian)</i> , opposite Cross, High Street	H	
Miller (Quaker) Gardens, south-west Holyrood	D	
Mills Mount, in Castle, west of Argyll Battery	D	
*Milne's Court, 1690, Lawnmarket	C	
Milne's Square, north of Tron Kirk	C	
Milne's Tomb, Holyrood, east of Chapel	H	
Milton House, Canongate (Milton House School)	E	
Mint, South Gray's Close, 1707	C	
Minto House, west of Horse Wynd	C	
Monboddo, Lord, House, New Street	H	
*Moray House, Canongate, 1618	C	
*Morocco Land, north side Canongate	M II	80
Multree's Hill, site of Register House, suburban village in 1702	C	
 Napier House, Borthwick Close	M II	31
Napier of Wrycht's Houses, West Bow, probable posi- tion	L, M II	163
Netherbow, and Port (1606), east end of High Street		

MAP OF EDINBURGH

Nicolson's House and Park, line of South Bridge	E
*Nisbet of Dirleton's House, Canongate, east of Cross	M II 105
Nor', or North Loch, originally a marsh dammed to form Loch in 1460, drained in 1763, north of ridge	C
Old Back Stairs (Parliament Stairs)	H
Old Kirk, South Transept, St. Giles' Church	C
Orphan Hospital, north-west of Trinity College Church, 1732, enlarged 1781, removed 1845	C
*Palace, in Castle, 1556, south-east angle of Castle	C
Panmure House (Adam Smith), Canongate	M II 109
Parliament Close (Cemetery of St. Giles')	
*Parliament Hall, south of St. Giles', 1637	C
Parliament Stairs (Old Back Stairs), Cowgate,	H
Paul's Work, 1619, North Back Canongate	C
Physic Gardens, Holyrood	C
Physic Gardens, east of Nor' Loch, 1676-1770	C
Physic Gardens, Tweeddale Court	D
Physicians' Hall, Fountain Close	
Piazza, 1685, east of St. Giles'	C
Placentia (St. Mary of), Pleasance, position doubtful	H
Ports—	
West Bow	M II 163
Netherbow, east end of High Street	C
West, west end of Grassmarket	C
Greyfriars', Society, or Bristo, at Bristo Street	C
Potterrow, or Kirk o' Field, Potterrow	
Cowgate, east end of Cowgate	C
St. Andrew's (Leith Wynd)	M II 182
Water Gate, Abbeyhill	C
New (Port), Halkerston's Wynd	C
Porthsburgh Meeting House	G
Post Office, High Street, north side, Old Post Office Close	H
*Postern, Castle, Argyll Tower	D
Postern, Castle, south-west	T
Poultry Market, south of Tron Kirk	C
Preston, Sir Simon, House, Royal Exchange, High Street	R

Quaker's Gardens (2), south-west of Holyrood	.	.	D
*Queensberry House, Canongate	.	.	C
Queen's Post, in west of Castle	.	.	.
 Ramsay, Allan, High Street	.	.	M II 42
*" " House, north of Castle Hill, 1751	.	.	C
Roads about the Town. (Grainger and Miller's Survey)	.	A l	
Lang Dykes, Lang Gait, from Multree's Hill, westwards, along high ground.			
Kirk Loan, St. Cuthbert's to Stockbridge.			
Western Road to Leith <i>via</i> St. Andrew's Port.			
Eastern Road to Leith <i>via</i> Water Gate.			
Queensferry, south of Castle, and Bell's Mills.			
*Robb's Entry, St. John's Hill	.	.	.
*Roman Eagle Hall (under floor of Deacon Brodie's, No. 304 Lawnmarket)	.	.	M I 220
Romieu (Clockmakers' Land), West Bow	.	.	M II 164
Ross House, Bristo	.	.	C
Roxburgh, Earl of, Canongate (Milton House)	.	.	C
Royal Bank of Scotland, east of Parliament Square, 1727	.	.	E
*Royal Exchange, 1753, High Street	.	.	H
Ruthven (Lord), West Bow	.	.	L, M II 162
 St. Andrew's Port, Leith Wynd	.	.	M II 182
St. Ann's Yards, south-east of Holyrood Palace	.	.	C
*St. Cecilia Hall, Niddrie Wynd	.	.	E
*St. Giles' Church, High Street	.	.	
St. John's Cross, Canongate (St. John's Close)	.	.	H
*St. John Street, 1768	.	.	
*St. Margaret's Chapel, Castle, north centre	.	.	
St. Mary's Chapel, Niddrie Wynd, 1504	.	.	C, M II 54
St. Mary's in the Fields, Kirk o' Field, <i>v.</i> College.			
St. Mary's Chapel, Portsburgh	.	.	H, M II 271
St. Mary of Placentia, east of Blackfriars' Monastery	.	.	M II 128
St. Thomas' Hospital, near Water Gate	.	.	M II 115
Salamander Land, near Mercat Cross	.	.	M II 31
Scotsman Office, Old Post Office Close, High Street, 1714	.	H	
Scott, Sir Walter, Birthplace, east side College Wynd	.	M II 141	

MAP OF EDINBURGH

Selkirk, Earl of, House, South Gray's Close	C
*Sempill House, Castle Hill	M I 188
*Shoemakers' Lands and Hall, Canongate	M II 96
Sim House, behind Shoemakers' Lands, Canongate	E
Slaughter-houses, near New Port, at Nor' Loch	C
Smith, Adam, House (Panmure House), Canongate	M II 109
Society of Antiquaries, first location, Lockhart's House, Heron's Court, Cowgate	S
Society of Brewers, Bristo, 1588	C
Somerville House, Lawnmarket, next Milne's Court	M I 206
Spottiswoode, Bishop, House, Bishop's Close, High Street	M II 45
Stamp Office, site of Cockburn St., High Street	F
Stewart, Lord Provost, House, West Bow	L
Stewart, Dugald, Whiteford House, Canongate	
Storehouse of Castle, north side of Court, on site of ancient church	D
Sugar Work, near Huntly House, Canongate	E
Surgeons' Hall, 1697, on Blackfriars' ground	C
Sympson's Printing House, Horse Wynd, Cowgate	M II 142
*Tailors' Hall, Cowgate	C
Tanpits, south of Nor' Loch	D
Templar (Knights) Lands, Grassmarket	M II 165
* " West Bow	
Tennis Court, Water Gate	C
Tolbooth, Old, west of St. Giles' Church, 1386, 1430, 1600	C, O
Tolbooth Church, south-west part of St. Giles' Church	C
*Tolbooth, Canongate, 1591	
Trinity College Church, at St. Andrew's Port	C
Trinity Hospital, at Trinity College Church, Leith Wynd	C
*Tron Church (Kirk at the Tron), 1637	C
*Tweeddale House, Tweeddale Court, Netherbow	C
University, <i>v.</i> College.	
Walls (Town), 15th century, and 16th century	Q

Water Gate, east end of Canongate	C
Webster, Dr., House, Castle Hill	M I 182
Weigh House, top of West Bow	C
Weir, Major, House, West Bow	L
Wells, 1674	B
Well in Castle, at Half-Moon Battery	D
Well House Tower, north of Castle	
Well with Crossways (underground passages ?) near Bell's Wynd, Cowgate	
Western Road to Leith <i>via</i> Leith Wynd	C
*Whiteford House, Canongate	M II 112
*White Hart Inn, Grassmarket	
White Horse Inn (Boyd's), near Netherbow, site doubtful	M II 127
*White Horse Close, foot of Canongate	M II 113
Winton House, east end of Canongate	C
Wiseheart's House, north of Shoemakers' Hall, Canon- gate	E
Workhouse (City), Bristo Port, 1743	C
" near Tolbooth, Canongate	E
Wynds, <i>v.</i> List of Wynds and Closes.	
Yester's (Lady) Church, High School Yards	C
Young, Dr., House, New Street (Kames')	E

MAP OF EDINBURGH

LIST OF WYNDS AND CLOSES IN THE HISTORIC MILE

The names of these closes are from the old maps and surveys used in the compiling of the eighteenth-century map, amplified from a print entitled : 'An accurate view of all the streets, wynds, squares, and closes of the City of Edinburgh, etc.,' by P. Williamson, 1783.

SOUTH SIDE

Blair's
 Brown's (Gordon's)
 Webster's
 Boswell's
 Rockville (Currie's)
 Ross (Elliot's)
 Kennedy
 Colston's
 Stripping
 Cheyne's
 Lindsay's
 Archibald's (Clark's)
 Donaldson's
 Potter's or Trotter's
 West Bow

NORTH SIDE

CASTLE HILL

Ramsay Lane
 Pipe's
 Skinner's
 Sempill's
 Jollie's
 Tod's
 Nairn's
 Blyth's

LAWN MARKET

Johnston's	Milne's Court
Riddle's Court	James' Court (west entry)
Fisher's	— — (main entries)
Brodie's	— — (east entry)
Buchanan's Court	Lady Stair's
Old Bank Close	Old Baxter's
Gosford	Wardrop's Court
Libberton's Wynd	Paterson's Court
Turk's	Baxter's
	Baxter's (eastmost)
	Morocco's
	Galloway's
	Dunbar's (Ireland's)
	Sellers'

Melbourne Place

SOUTH SIDE

NORTH SIDE

LAWNMARKET—*continued*

Forrester's Wynd
Back of Bess Wynd
Bess Wynd

Entry to Gavinlock's Land
Brown's

HIGH STREET

West entry Parliament Close [Tolbooth] [St. Giles' Church]	Byres' Kintyre's Advocate's
Old Door Stile (Stinking Stile)	Roxburgh Don's Warriston's Writers' Court
Parliament Close	King's Court (Mary) King's) } Royal Stewart's Exchange
Fishmarket (New Bank)	Pearson's
Old Fishmarket	Allan's
Borthwick's	Craig's
Old Assembly	Old Post Office
Covenant	Anchor
Burnet's	Geddes' (Swan's)
Bell's Wynd	Foulis
New Assembly	Old Bank (Ship)
Stevenlaw's	Lyon's
Kennedy's	Jackson's
Peebles' Wynd	Fleshmarket
Merlin's Wynd	— (eastmost) } Cockburn
Niddrie Wynd	Bull's } Street
So. Kinloch's	Milne's Square
Dickson's	Hart's } North
Cant's	Cap and Feather } Bridge
Strichen's	Halkerston's Wynd
Blackfriars' Wynd	Kinloch's
Todrick's Wynd	Carrubber's
	Bishop's
	North Gray's
	Morrison's
	Bailie Fyfe's
	Eastmost Fyfe's

MAP OF EDINBURGH

SOUTH SIDE

Murdoch's
Skinner's
South Gray's
Hyndford
Foulis

Fountain
Tweeddale Court
World's End
Stewart's

NORTH SIDE

HIGH STREET—*continued*

Barringer's
Chalmers'
Sandilands'
Monteith's
Trunk
Hope's
Moffat's
Baron Maule's
Baron Grant's
Bailie Grant's

NETHERBOW PORT

St. Mary's Wynd

Leith Wynd

CANONGATE

Stinking
Boyd's
Bell's
Gullan's (Goolan's)
Gibb's
Pirrie's
Chessel's Court

Plainstones
Watson's
Miln's
Weir's
Old Playhouse
Playhouse
St. John's
St. John Street

[Moray House]

? Sugar House
[Huntly House]
Bakehouse
? Hammermen's
Wilson's

Fleshmarket
Coull's

West Common (High School)
Middle Common
East Common
Rae's
Morocco
Seton's
Kinloch's

New Street here

Jack's
Big Jack's (Eastmost Jack's)
Shoemakers'
East „ „
Entry to Bowling Green
Aitken's
Tolbooth Wynd
[Tolbooth]
[Canongate Church]

SOUTH SIDE

NORTH SIDE

CANONGATE—*continued*

Cooper's	Dunbar's
Bailie Gentle's	Panmure's
Carfrae's Entry (Crichton)	Brown's
Bull's	
? M'Grigor's	Munro
Stewart's (Falconer's)	Little Lochend
[Lord Milton's Lodging]	Lochend (eastmost)
Vallens' (Vallance's)	Reid's Coach Yard
[Queensberry Lodging]	Campbell's
Boyd's	Sommerville's
Cumming's	Malloch's
Thomson's	Callendar's
Penman's	Forsyth's
Charteris (Charters)	[Whiteford House]
[Lothian Hut]	[Winton House]
Brodie's Entry	Galloway's
Horse Wynd	Ramsay's
Ferrie's	Duncan's
	White Horse
	Water Gate
	Thomson's Court

THE OLD TOLBOOTH

EXTRACTS FROM THE ORIGINAL RECORDS

[Continued from Volume IX., p. 176]

TH E following extracts are from the

Releife Book, July 24, 1679, to August 4, 1688.
Warding Book, October 1, 1680, to October 3, 1687.

January 1st 1685

Mr Antonie Murray entered himself prisoner conform to his band
granted to the privie counsell

Mr Antonie
Murray
entered.

[See January 10th.]

January 4th 1685

[blank] Gordoun of Earlstoun wardit by ordor of Lyftenant Grāll
Drumond q̄r of the tenor follows

Gordoun of
Earlstoun
warded from
Blackness.

Wpon sight heirof comand ane Corporall and tuelve horsemen to
ryde to Blackness castell and to delyver the Governours [? word miss-
ing] heirw̄t sent and to receave the person of [blank] Gordoun of
Earlstoune prisoner yr and convey him with all caire to the Tolbuth
of Edr qr the keeper will receave him wpon receipt for doeing q̄r of this
is yo^r ordor and warrand Signed at Edr the 4 of Jarij 1684 [? should be
1685] Ordor for the Earle of Drumlanricks troup of horse

[See January 17th.]

January 7th 1685

Robert Innis mert in lith liberat by consent of Jean Campbell
relict of the deceast William Law Goldsmith in Edr for hir hirselfe
& as tutrix for John Law hir sone procreat betuixt hir and the sd
W^m Law considering that the keeping of the sd Robert Innes in prison
could not procure p̄ȳt to them of the soume of tuo hundredth & nynteen
pound Scots resting of the soume of four hundredth and seaventie six

Robert Innis
relieved.

pound Scots fyfteen shillings six pennis of modified expenss contained in ane dect obtained at the instance of the sd Jean Campbell as tutrix forsd agst him befor the balzies of Edr the 18 of october last by past And as aforsd grants warrand & comission to the magistrats of Edr & Keepers of the Tolbuth of Edr to liberat him from prison with ane clause of registraoⁿe to which consent *sic subtur* Jean Campbell Hugh Maxuell of Dalsuinton & John Law goldsmith in Edr tutors to the sd John Law As the sd consent in itself more fullie bears

January 7th 1685

Mrs Cristan
Ritchardson
relieved.

The lords of his māties privie Councill appoynted to consider the petitione given in by M^{rs} Cristan Richardson agst David Spence ane of the present balzies of Edr complayning of wrongouse imprisonment haveing considered the forsd petitione and ansuers made *yf*to by the sd balzie spence doe in regard they finde the sd Mistres Christian Ritchison to be wrongously imprisoned heirby give ordor and warrand to the Magistrats of Edr and Keepers of the Tolbuth *yf*of furth with to sett hir at libertie

Sic Sub Will: paterson

January 8th 1685

Mr Rot Boyde
relieved.

The lords of his māties privie Councill haveing heard & considered ane petitione presented by Mr Robert Boyde late indulged minister at Kilbryde prisoner in the Tolbuth of Edr supplicating for libertie in regard of his being valitudinarij in the prison doe heirby give ordor and warrand to the magistrats of Edr and keepers of the Tolbuth *yf*to sett the supplicant at libertie in respect he haith found caone acted in the bookes of privie Councill that he shall imediatly after his liberaoⁿe repaire to the house of Hugh Blackie mert in Edr and confyne himself ther & not goe out therof without license and shall reenter his persone prisoner when called and in the maintyme not exercise the functione of the ministrie wnder the penaltie of fyve thousand merks Scots money in case of falzie

Sic Sub Colin M^cKenzie

January 9th 1685

both execute
the 23 jarij
85.

Robert Miller ¹ and Robert pollock ² wardit by ordor of Mathew Hamiltoun grall Agitant *qf*of the tenor follows

[1. Mason in Rutherglen. 2. Shoemaker in East Kilbride. Both covenanters ; hanged at the Gallowlee.]

Sir receave the persones of Robert Miller and Ro^t pollock and Ro^t Miller & Ro^t Pollock
keepe them in irons it being conforme to ane order from his māties warded.
privie Councill directed to ḡall Dalzell *Sic Sub Ma:* Hamiltoun
ffor the Keepers of the
Tolbuth of Edinbrugh

January 10th 1685

Mr Andrew Hatherwick arristed . . . at the instance of Agnas pr^{ll} caption
Robertsonne eldest lau^{ll} daughter to the deceast John Robertson writer given to Mr
in Edr and M^r John Robertsonne hir brother eldest lau^{ll} sone to the
deceast John Robertson the sd compl^{lr} hir factor conforme to hir l̄es Mr And^w
of factorie daited the last of September 1681 years regrat the 4 of nover^r Hatherwick
the sd year for not pay^t of the soume of ane thousand pound Scots arrested.
with ane hundredreth pound of expenss & certain bygane @rents contained
in ane band granted be the sd Mr Andrew Hetherwick to the deceast
John Ro^tson of the daite the 14 day of septer 1672 years regrat the
bookes of councill & sessione the 24 jarij 1678 years And in ane assig-
na^{ne} made be the sd John Ro^tsone compl^{lr} daited 5 march 1680 years
As the sds l̄es of captione in themselves more fullie bears By
vertue qrof John Glass mess^r aristed which l̄es are signet the 8 febry
1683

[Relieved January 26th 1685 'by l̄es of suspensione & chairge
to putt at libertie purchased by him . . .']

January 10th 1685

Thes are heirby ordoring & giveing [warrant] to the magistrats Mr Anthonie
of Edr to sett at libertie M^r Anthonie Murray prisoner in y^r Tolbuth Murray
in regaird he haith found sufficient ca^{ne} acted in the bookes of privie
council to reenter his persone within the sd Tolbuth wpon the ii day
of febrij and in the mean tyme to live regularly conforme to ane ordor
of the secrut Committee of council of the dait above w^ren relieved.

Sic Sub Will: paterson

[See February 11th.]

[January 10th 1685]

William Scott of Langhope relived at the privie councill Barr who Wm Scott
was tacken out of prison heir by James Irvin macer to the privie Coun- of Langhope
cill wpon the eight of jarij 1685 relieved.

January 12th 1685

W^m Brodie
warded.

William Brodie wardit in closs prisone by ordor of the privie Councill James Irving meacer

[See later entry January 12th.]

January 12th 1685

— McMar-
tine warded.

[blank] McMartine of leterfindlay wardit by order of ye privie Councill James Irvin Macer and John Hinderson macers

January 12th 1685

Mr
Hamiltoun
to visit
Akenhead.

Thes are allowing Mr Hamiltoun of Mannorilistoun to speike with Akenhead on his privat effaires once in the day for ane week

Sic Sub Perth Cancell J: p: d:

[See January 22nd.]

January 12th 1685

W^m Brodie
relieved.

William Brodie relived at the privie Councill barr and tacken out heir by James Irving macer

January 13th 1685

James Black
& Margret
Lithgow
warded.

Ane lī directed from Kelso to John Gibson q̄rof the tenor follows John Gibsone you are to goe with your partie to the Cross & delyver the inclosed to the provist or in his absence to the Balzies of the sd brugh fra whome you are to receave the persones of James Black & Margret Lithgow and carie them prisoners with all possible diligence to the Tolbuth of Edr for which this shall be your warrand

Sic Sub W Keith

January 14th 1685

Alex^r
Hamilton
of Kinkell
warded.

Alexander Hamiltoun of kinkell wardit at the instance of Elizabeth and Margret Lentron lau^{ll} bairnes to ye deceist William Lentron provist of St Andrews of the first mariage procreat betuixt him and Kathrin Geddie his first spouse & William Milne mer^t burges off our brugh of Edr husband to the sd Margaret for his intrest for not pay^t mackeing to hir of the soume of tuo hundred pound only resting of tuo prin^l soumes contained in the caption spect & contained in a band granted be the sd Alex^r Hamiltoun for pay^t of the soume of 500 merks equally betuixt Elizabeth & Margret Lentrone equally wt 100 pound of expensis

& certain bygane @rents regrat in ye regrat court bookes of St Andrews the 14 August 1671 years and of the soume of 130 pound Scots contained in a wyr band granted be him to ye complrs of date 28 Maij 1668 regrat in the sd court bookes off St Andrews the 14 August 1671 years as the sd captione more fullie bears by vertue q^rof M^r Gilbert Piggot messr craved concurrence from B: Rotson William Gordon officer

[See next entry.]

January 15th 1685

Alex^r Hamiltoun of Kinkell relived by consent of W^m Milne mer^t Alex^r in Edr spouse to Margret Lentron at whose instance he was wardit ^{Hamilton of Kinkell} relieved for not pay^t of tuo seal^{ll} soumes contained in tuo seal^{ll} bands granted be him to Margret & Elizabeth Lentrons And the sd W^m Milne considering that he caused putt the captione in executione agst him out of ignorance it being long befor suspendit and seing the error of causing tache the sd Alex^r Hamiltoun and the prin^{ll} suspion lying in proces in the hand of M^r duncan forbes sub clerk to the sessione therfor consents that M^r John Vans and Arthur Wdney goodmen of the Tolbuth of Edr sett the forsd Alex^r Hamiltoun at libertie with all expedition And I as tacking burdin for my spouse and haveing right from Elizabeth Lentron my sister in law oblieges me to warrand the sd M^r John Vans & Arthur Wdney yr aires & servants from all skaith or hazard threw his libera^{ne} wt ane clauss of regrā^{ne}

Sic Sub W^m Milne

Archibald Ker Witnes
Alx^r Glen Witnes

January 15th 1685

Thes are giveing order & warrand to the Magistrats of Edr and Thos Mulikin ^{relieved.} Keepers of the Tolbuth y^rof to sett Thomas Mulikin prisoner at libertie in regard he haith tacken the test befor the Lords of the Comittee of Councill for publict affaires

Sic Sub Will: paterson

January 16th 1685

Keepers of the Tolbuth of Edr Receave and detaine the persones w^m of William Hamiltoun of Wishaw¹ and John Miller of Watershaw ^{Hamiltoun & John Miller} prisoners in the Tolbuth of Edr till farder order and you are heirby warded.

ordored to keepe them in different rooms that they tuo speik not togidder for which this shall be your warrand day & daite forsd

Sic Sub Perth Canc^{ll}

[1. See January 22nd.]

January 16th 1685

Mr Peter
Bruce
warded.

Mr Peter Bruce residenter at Glasgow wardit by lres of caption at the instance of James pedie mert ther for not payt macking to him of the soume of seaven hundred merks worth of blew or bristo paper good & sufficient made at the manufactorie at Woodsyde the blew paper at ye rate of the manufactorie of suger at Glasgow that the buy it and the bristo paper at Ten pound the hunderweight or then to macke payt of the sd soume of seaven hundred merks with three hundred merks of expenss incurred be him throw falzie And als for not warranding the complr of the rent of the sd paper milne & haill wyr heads & obleisments contained in ane contract of aggreement past betuixt John Campbell of Woodsyde and the sd Mr Piter Bruce to the complr daited the 3^d of Aprill 1684 years regrat in the shireff court bookees of Lanrick the first of August last by past As the sd lres of captione more fullie bears by vertue qrof Dugald Mcalister messr craved concurrence from B: Brand John Thomson officer which captione is signet 28 nov^r 1684

[Liberated by consent January 24th, when he is designated Mr Patrick Bruce.]

January 16th 1685

David
Broddie
warded.

David Broddie of pitgevenie wardit by order of his M^ties privie Councill

[See January 17th.]

January 17th 1685

Gordoun of
Earlstoun &
Broddie of
pitgevnie.

Receaved by me David Cuningham ane of the gentillmen of his m^ties trup of gaird the personnes of [blank] Gordon of Earlistoun and David Brodie of pitgevnie conforme to ane order directed to the Leutinant of his m^ties gaird of horse daited the sixteen jarij 1685 As witnes my hand the 17 day of the sd munth

Sic Sub David Cuningham

January 19th 1685

Thomas Small Michall Hinderson and John Simpsone wardit by Three persons
order of the lord justice generall warded.

January 19th 1685

[blank] spouse to Balzie Mitchellhill wardit by ane wreaten order Bailie
under my lord Chancilor his hand the tenor follows Mitchellhill's wife warded.

You are heirby ordered to receave & keepe in sure firmance the persone of the wyffe of balzie mitchellhill in your Tolbuth of Edr untill farder order & give a receipt of hir to the partie who shall delyver hir to you for all which this shall be to you & all wthers concerned ane full & sufficient warrand given at holyroodhouse this 19 jarij 1685

Sic Sub Perth Canc¹¹

January 22nd 1685

The lords of his māties privie councill doe heirby give order & war- Wm Hamilton of
rand to the magistrats of Edr and keepers of the Tolbuth yrof to sett Wishaw
the persone of William Hamiltoun of Wishaw prisoner at libertie in relieved.
regaird he hes found caone acted in the bookes of his māties privie Councill to compeir befor the lords of his māties privie Councill or yr secrift committie at any tyme or dyet he shall be called to ay and wntill he shall be declaired free of the sd band wnder the penaltie of fyve thousand pound starlin money in case of falzie

Sic Sub Will: paterson

January 22nd 1685

The lords of the secrift Comittie of his māties privie Councill doe Jas Hamilton
heir give order & warrand to the magistrats of Edr and keepers of the allowed free
Tolbuth theyr of to allow James Hamiltoun of Aikinhead the ordinar prison.
libertie of prison notwithstanding of the former order macking him closs prisoner they allwayes being answerable for the saife custodie of his persone that he be not suffered to escape

Sic Sub Will: paterson

[See February 14th.]

January 23rd 1685

The lords of his māties privie councill haveing considered a petitione James Laing
presented by James Laing yoēr in Killpatrick prisoner in the tolbuth relieved.
of Edr for ane accessione to the late rebellion shewing yt the same was

meerly on the missrepresenta^one & aspersion of Mr Adam Willson & James Burnsye of Closs And the contrair of which had been plainly made appeir by witnesses led adduced & suorne befor Mr David Drumond Advocat and James Lundie of Straitharly as haveing comission from the Lord Lundin secritarie of state dureing the tyme of the late Comissione in the district of Glasgow doe heirby give order and warrand to the magistrats of Edr & keepers of the Tolbuth y^rof to sett the sd James Laing at libertie in regaird he hes tacken the test in presence of the Earle of Linlithgow justice grall on of ther number

Sic Sub Colin McKenzie

January 26th 1685

Mr Walter
Maniz & Mr
W^m Spence
warded.

Mr Walter Maniz and

Mr William Spence ¹ wardit by the lords of the crquet and brought heir by saргent Moor on of the saргents to Captain Grahame his Companie belonging to the Toun of Edr

[1. See January 29th. M. of Glendevon.]

January 28th 1685

Jno Mossman
Jas & And^w
Purdies &
Jas Duncan
warded.

You are heirby ordored to receave from the bearer major James Murray the personnes of John Mossman James ¹ & Andrew ¹ purdies and James Duncan ¹ & to keepe y^m in sure custodie till farder order & for so doeing this shall be your warrand of daite abovewrn

Sic Sub Perth Canc^{ll}

[1. See February 6th.]

January 27th 1685

David
Ramsay
warded.

David Ramsay wardit by order from the shireffes of Edr for to pass seeke tacke & apprehend his persone and to putt him in the Tolbuth of Edr And y^r to keepe him till farder order to be given by the shireff deput yrantent And that for tuo ryotts committed by him on Robert Brabour ane of the officers of Court And the wther wpon John Hill and his spouse with warrandise to the tackers to wse his m^tties keeys in case of oppositione And warrandise to the officers & keepers of the sd Tolbuth for that effect As the said order more fullie bears which is daited the 23 of jarij 1685

*Sic Sub D Drummond
C Gray*

[See February 6th.]

January 29th 1685

Captain Androw Dick wardit by order of his majesties privie Councill ^{Cap^t Dick warded.}
 [See March 6th.]

January 29th 1685

The Commissioners of his māties privie Councill doe heirby grant Mr W^m
 order & warrand to the magistrats of Edr & keepers of the Tolbuth Spence
 therof to sett the persone of M^r William Spence at libertie in regard
 he hes found caⁿe acted in the booke of privie councill to compir
 befor the sds lords Comissioners or the Councill when called under
 the penaltie of 5000 merks money in case of falzie
 relieved.

Sic Sub Will: patersone

[See May 21st 1685.]

January 29th 1685

James Rennet & Adam ffuird wardit by ane order from grall Jas Rennet
 Dalyell qrof the tenor follows & Adam
 ffurd

Sir You shall send ane partie of your troup to bring in the persones warded.
 of Adam ffurd and James Kennet both now in Selkirk prisoners bring
 ym to the Tolbuth of Edr And this shall be your warand

Sic Sub Dalyell

[See February 2nd.]

January 29th 1685

Joanet Wallace wardit by order of B: Spence his writen order for Joanet
 strongling hir oun child which she accknowledged beffor the Balzies Wallace
 & therefor ordained hir to be secured As women wses to be suspect
 guiltie of the lyke cryme *Sic Sub David Spence balzie*

February 2nd 1685

Steuart of Lairg wardit by order of the Lords of justiciary

Steuart of
 Lairg
 warded.

February 2nd 1685

Jenet paterson & Jenet Leckie wardit by order from his māties Jenet
 privie Councill being informed that they are prisoners in the Tolbuth Paterson &
 of Linlithgow as suspect guiltie of the murther of ane child doe heirby Jenet Leckie
 give order & warrand to the shirreff prin^{ll} of Linlithgow & his deputys
 warded.

to cause transport the sds tuo persones from the sd Tolbuth to the tolbuth of Edr by ane sufficient gaird & ordaines the magistrats of Linlithgow to delyver them to the sd shirreff and his deputs or ther order & the magistrats of Edr to receave & detaine them in sure firmance untill they be brought to ane legall tryall

Sic Sub Will: paterson

February 2nd 1685

John McGie
allowed free
prison.

John McGie in pallgoun haveing supplicat the privie councill for the benefitt of free prison he being at the tyme closs prisonr Therfor the lords of the secreit Comittie of his māties privie councill allows the supplicant to have the libertie within the prison to see & convers with his frinds & lauerers

Sic Sub Perth Canc^{ll}

[See March 8th. Warded on January 27th 'by order of the lords.]

February 3rd 1685

Mr Duncan
Campbell &
Mr Rob^t
Duncison
warded.

Mr Duncan Campbell ¹

Mr Robert Duncison ² wardit by order of his māties privie Councill

[1. See March 14th, M. of Knapdale. 2. See March 26th, M. of Campbeltown.]

February 5th 1685

Wm
Williamson
alias Muir
warded.

William Williamson alias Muir wardit by ane order from the privie Councill q̄rof the tenor follows

Thes are requiring you the Keepers of the Tolbuth of Edr to receave & keepe in sure firmance the person of William Williamson alias Muir untill farder order Given at Edr of the daite abovew̄en

Sic Sub Collin McKenzie

February 5th 1685

Five persons
warded.

Robert Boyde of pencorsse

Robert Boyde his sone ¹

Alexander Balzie in Carstorphin ²

Thomas Murray ³ and

Alexander Anderson servants to the sd Alex^r balzie wardit by ane verball order from the privie Councill brought in by John Maine sairjant to Captain Grahame his companie belonging to the toune of Edr

[1. See March 20th. 2 and 3. See February 9th.]

February 5th 1685

The Lords of his māties privie Counsell haveing heared the report Alex^r of a committie anent Alex^r McMillen prisoner from Dumfreis doe herby ^{McMillen} relieved. give ordour & warrand to the magistrats of Edr & Keepers of the Tolbuith therof to set the sd Alex^r McMillen at libertie in regaird he hes sworne & signed the test *Sic Sub Colin McKenie*

February 6th 1685

The lords of his māties privie Councill haveing considered the Geo Jeamison & Wm re[port] of ane Comittie appoynted to consider the seāll causses of the Gilmoor prisoners within the Tolbuth of Edr w^t yr examinaōnes doe heirby give relieved. order and warrand to the magistrats of Edr & keepers of the Tolbuth yr of to sett George jeamison in Oxenshaw and William Gilmoor prisoners at libertie in regaird they have in presence of the sd Comittie suorne & signed the test *Sic Sub Colin McKenzie*

Gilmoor as a witness

should pay no dews

Sic Sub Geo: McKenzie

February 6th 1685

Thes ar ordoureing the keepers of the Tolbuth of Edr to sett ye David persone of David Ramsay tennent in Edgfield at libertie upon sight Ramsay heirof you being alwayes satisfid of yo^r ordinary dews and this shall be yo^r warrand as wittnes our hands at Edr the fourth day of febrij 1685 *Sic Sub C. Gray*

February 6th 1685

The lords of his māties privie Counsell haveing heard and con- Geo Fleming sidered the report of a Comittie appoynted to consider the severall relieved. caises of prisoners within the tolbuith of Edr with ther examinaōne Doe hearby grant ordour and warrand to the magistrats of Edr and keepers of the Tolbuith therof to set George fleming prisoner at liberty in regaird he hes sworne and signed the oath of aledgance and is not banished and hes inacted himselfe in the books of privie Counsell to live regularly and ordourly and keep his paroch church under the penaltie of fyve hundred merks in caice of failzie

Sic Sub Will: paterson

February 6th 1685

Jas & And^w
Purdie & Jas
Duncan
relieved.

The Lords of his māties privie Counsell haveing heared and considered the report of the Comittie anent the caice of James purdie in Hairburnhead and Andrew purdie ther and James Duncan in lowstoune prisoners in the tolbuth of Edr Doe hearby give ordour and warrand to the mātrats of Edr to sett the sd thre persones at libertie in regaird they have sworne and signed the oath of alledgance and on ther soleme oaths purged themselves of anything that can be laid to ther chaire

Sic Sub Will: paterson

February 6th 1685

Wm
Campbell
relieved.

The Lords of his māties privie Counsell haveing considered the report of a Comittie appoyned to consider the severall caices of the prisoners within the Tolbuth of Edr Doe hearby give ordour and warrant to the māts of Edr and keepers of the tolbuith therof to sett Wm Campbell prisoner at liberty in regaird he hes in pñts of the sd Comittie sworne and signed the oath of alledgance and that he is not banished

Sic Sub Colin M^cKenie

February 6th 1685

George
Turnbull
relieved.

The Lords of his māties privie Counsell haveing heared and considered the report of a Comittie appoyned to consider the severall caises of prisoners within the tolbuith of Edr with ther examina^tions doe hearby give ordour and warrand to the magistrats of Edr and Keepers of the Tolbuith therof to sett George Truble prisoner at liberty in regaird he is not banished and hes tacken the oath of alledgance

Sic Sub Colin M^cKenie

February 6th 1685

Rob Houtoun
Wm Leith &
James Cowen
relieved.

Robert Houtoun
Wm Leith
James Cowen

[Set at liberty under separate orders stated in similar terms to the cases immediately preceding.]

[blank]
Muir
warded.

February 9th 1685

[blank] Muir late balzie in Aire wardit by order of the privie Councill

February 9th 1685

Gentlemen

Thes ar at the command of the Lords of his māties secret Counsell ^{Thos Murray} Giveing ordour [&] warrant to you to sett at liberty furth of yo^r relieved. Tolbuith the person of Thomas Murray servitor to Alex^r Baillie in Corstarphin Given at Edr the 9 of febrij 1685
for ye masters of ye Tolbuith of Edr or *Sic Sub Will:* paterson any of them

Ye ar lykwayes to sett at liberty the sd Alex^r Baillie he haveing Alex^r Baillie found caution to appeir befor the Counsell when called for which this relieved. shall be yo^r warrand *Sic Sub Will:* paterson

February 11th 1685

Mr Anthonie Murray entred to prison conforme to his band granted ^{Mr Anthonie Murray entered.} to the Councill

[See March 12th.]

February 13th 1685

William Longmuir

Four persons
warded.

William Cruikshanks

Robert Eastoune &

James Scott wardit by order from the shireff of Edr q̄of the tenor follows

Thes are ordering the officers of the shireffdome of Edr [The 'tenor' stops here.]

February 13th 1685

Patrick Russall wardit by order of the privie Counsell

Pat Russall
warded.

February 14th 1685

Glaud Alexander of neutoun

Glaud
Alexander &
Margt
Scoulbar
warded.

Margret Scoulbar wardit by ane verball order from the lord high Chanciler & brought heir by ane partie of my lord Ross his troupe

February 14th 1685

Mungow Cochran and

Mungo
Cochran &
Alex^r Smith
warded.

Alexander Smith wardit by order from the privie Councill and brought heir by W^m Borthwick ane of the Corporalls of Major Turnour his troupe wt ane partie of horse

February 14th 1685

W^m fairlie
of Bruntsfield
relieved.

The Lords of his māties privie Counsell haveing heared and considered
apetitione presented by W^mfairlie of Bruntsfeild prisoner in the Tolbuith
of Edr: with testificat of his pñt valitudinary conditione and dangerous
seiknes attested by phisitians doe hearby grant ordour and warrant
to the mātrs of Edr and keepers of the tolbuith therof to sett the peti-
tioner at libertie in regaird Mr Thomas Skein advocat hes becom
caūr for him that he shall reenter pñr in the sd Tolbuith betuixt and
this day seventnight under the penaltie of thre thousand pound ster-
lang money

Sic Sub Will: paterson

February 14th 1685

Jas Hamilton
of
Aickenhead
relieved.

The Lords of his māties privie Counsell doe hearby give ordour
and warrant to the mātrs of Edr and kepers of the tolbuith therof
to sett James Hamiltoun of Aickenhead at liberty furth therof in
regaird he hes fund sufficient cautione acted in our books of privie
Counsell to compeir befor the sds lords wpon twisday nixt being the
seventh [sic] instant wnder the penaltie of two thousand pounds
sterling money in caice of failzie

Sic Sub Will: paterson

February 17th 1685

Sr

Jas Simple
relieved.

Be warrant of the Lords of his māties privie Counsell thes ar
desyreing you to set James Simple of Cathcart prir in the tolbuth
of Edr at liberty in respect he hes fund suficient cautione for his
appairance befor the Lords of secret Comittie when called conform
to the Lords deliverance given theranent *Sic Sub Geo McKenie*
for any of the masters
of the tolbuith of Edr

February 17th 1685

James
Turner
relieved.

The Lords of his māties privie Counsell doe heirby give ordour and
warrant to the magistrats of Edr and Keppers of the Tolbuith therof
furth with on sight heirof to sett James Turnor Cabinett and miror
maker in Edr at liberty

Sic Sub Colín McKenie

[‘ Wairdit ’ on February 19th (sic) at the instance of Patrick
chalbers boxmaster of the wrights.]

February 18th 1685

Robert Mein Keeper of the post office at Edr wardit by order of Robert Mein
the privie Councill warded.

[See March 3rd.]

February 19th 1685

Robert Boyde of Trochrig wardit by ane verball order from his Robert
maties privie Council Boyde
warded.

February 24th 1685

Thomas Russall wardit by ane verball order of the lord justice Thomas
generall brought heir by some of the laird of livistouns tenants Russall
warded.

February 26th 1685

The lords of his maties privie Counsell haveing heared and con- John Miller
sidered a petitione pñted by John Miller of wattershaugh prisoner relieved.
in the tolbuith of Edr ; suplicating for liberty doe hearby give ordour
and warant to the magistrats of Edr and keepers of the tolbuith
therof to set the petionñr at liberty in regaird he hes found sufficient
cautione acted in the books of privie counsell to compeir when called
under the penaltie of three thousand merks Scots

Sic Sub Will: paterson

February 28th 1685

Mr John Vanse. Ye shall imediately wpon sight heirof send with Ronold
a Kepper to the signe of the ship the persone off Ronold McAlester
footman to the shireff of Bute that I may examine him anent his
accescione to the tumult in the parlât hous for which this shall be
yor warrand McAlester sent to the
signe of the
ship for
exam".

Sic Sub Geo: McKenie

[See June 17th.]

March 3rd 1685

Magistrats of Edr and Keepers of the Tolbuith therof sett Robert Robert Mein
Mein postmaster at liberty and this shall be your warrand Mein
relieved.

Sic Sub Will: paterson

March 4th 1685

Mr Geo
Meldrum
Mr John
Steuart Mr
Jas Urquhart
& Mr Alex^r
Dunbar
warded.

The lords Comissioners of his māties privie Councill and justiciarie for the district of Murray require and comand the shirreff prin^{ll} of Elgine and fforres to transport with ane sure guaird the persones of Mr George Meldrum of Crombie ¹ Mr John Steuart ² Mr James Wrquhart & Mr Alex^r Dunbar ³ outed ministers and deliver them to the shireffe of Bamff who and his deputs are comandit to receave them off ther hands & transport them prisoners to the nixt shirreff and sua from shireff to shireff till they be brought prisoners till the Tolbuth of Edr the magistrats wheroft are heirby comandit to receave them off ther hands & detaine them in sure prisone till farder order and all magistrats balzies of balzires and regalaties & all officers & ministers of the laues are heirby comandit to be aiding & assisting to the premiss As they and ilk ane of them will be answerable Given at Elgine the fyfth day of febry 1685 years

*Sic Sub Erroll
Kintore*

[1. M. of Glass presb. of Strathbogie. 2. See May 23rd. M. of Crimond presb. of Deer. 3. See May 23rd afterwards M. of Auldearn presb. of Nairn, once tutor in family of Rose of Kilravock.]

March 5th 1685

Sir Wm Scott
of Harden
warded.

Sir William Scott of Harden wardit by ane order from my lord high Chanciler q̄rof the tenor follows

Thes are giveing order and warrand to the magistrats of Edr and keepers of the Tolbuth therof to receave the persones of Sir William Scott of Harden younger and to keepe & detaine him closs prisoner in the sd Tolbuth of Edr & suffer non to speike or be in the roome with him till farder order Given at Edr the 5 March 1685

Sic Sub Perth Canc^{ll}

[See March 8th.]

March 5th 1685

Mr Andrew
Kennedy
relieved.

The Lords of his māties privie Counsell haveing heard and considered a petitione presented by Mr Andrew Kennedy of Clowburne prisoner in the Tolbuith of Edr suplicatting for liberty doe heirby give ordour and warrand to the magistrats of Edr and Keppers of the Tolbuith therof to sett the sd Andrew Kennedy at liberty for the reasones mentioned in the sd petitione in regard he hes found cautione

acted in the books of privie Counsell to enter his persone prisoner in the sd tolbuith of Edr wpon the fyftein day of Aprill nixt to com wnder the pain of twelfe thousand merks Scots money in caice of failzie

Sic Sub Will: paterson

[See April 15th.]

March 5th 1685

The Lords of his māties privie Counsell haveing considered the petitione of James Renweick prisoner in the Tolbuith of Edr and findeing him to fall within the compass of his māties indemnetie doe hearby give ordour and warrand to the māts of Edr and Kepers of the Tolbooth therof to sett the sd James Renweick at liberty I[n] regaird he hath taiken and sworne the oath of alledgedance

Sic Sub Will: paterson

March 5th 1685

At Edinburgh the fyftein [sic] day of March jai vic and eightie fyve years annent a petitione presented be John McCleod of miltoune sheweing that wpon the fyftein of Jarij last the Counsell wer pleased to grant the suplicants liberaōne wpon a former suplicōne given in by him before the Counsell wpon his g[r]anting to the Comrs of the Eastren Divisione of Ross ane ample dispositione of his fortoune towards ther satisfactione for som arriers alledged resting by the suplicant to them for the excyse of the sd divisione preceeding may jai vic and eightie thre and now in obedience [to] the Counsells commands aforsd the petitioner hath granted to the sd Comissioners ane ample dispositione of his sd fortoune both mowable and heritable as the samen subt by him in pns of the Counsell bears And therfor humbly suplicating that the Counsell in consideratione therof and that the petitioner is in a sad sterveyng conditione (being heir a stranger and incarcerated) haveing nothing of his owen to mantain or sustaine him wold be gratiously pleased to ordour ther clerks to extract ane ordour for the petitioners liberty The Lords of his māties privie Counsell haveing heared and considered the forsd petitione doe in regaird of the forsd dispositione produced and of the petitioners long imprisonment and mean conditione heirby grant ordour and warrand to the magistrats of Edr and kepers of the tolbuth therof to set the petitioner at liberty

Sic Sub Will: paterson

March 6th 1685

Mr Gavine
Elliot
warded.

Mr Gavine Elliot late collector at Elisonbank wardit by l̄r̄es of captione reased at the instance of Sir James dick of pristfild late provist of Edr for himself and as ane & haveing right from Sir John Niccollson of that ilk Sir Mark Carse of Cockpen Captain Andrew dick¹ and Charles Charters mer^t burges of Edr for not pay^t of the soume of nyne hundredth & fourtie three pounds Scots money &² tuo pennies of prin^{ll} dew by the sd M^r Gavin as the ballance of his accompts and bands dew be him as collector forsd As the sd captione containing sea^{ll} wther persones in itself more fullie bears by vertue q̄rof James Clyland mess^r craved concurrence from B: Brand

[Relieved March 8th by order of Sir James Dick, Elliot having given 'satisfaction for the forsd soume.]

March 8th 1685

John McCkie
in Balgoun
relieved.

The Lords of his māties privie Counsell haveing considered ane adres made in behalfe of John McCkie in Balgoun prisoner in the tolbuith of Edr with ane testifica^{ll}ne of his pñt dangerous conditione doe hearby give ordour and warrand to the mātes off Edr & keppers of the tolbuith ȳrof to sett him at liberty in regaird he haith found cautione wnder the penaltie of on thousand pound sterlinc money to confyn himselfe to the Toun of Edr: & not to repaire furth therof without the Counsells licence & in y^e meintym to compeir befor y^e Counsell or ther secreit Comitie when called

Sic Sub Collin McCKenie

[See later entry under March 8th.]

March 8th 1685

Gilbert
Hendersone
relieved.

Kepers of the Tolbuith of Edr Ye shall wpon sight heirof liberat the persone of Gilbert Hendersone footman to the Lord Yester now prisoner in the Tolbuith of Edr he the sd Gilbert finding Michall Cockburne servitor to the sd Lord Yester cāūr for his appairance befor the Lords of his māties privie Counsell or Commissioners of Justiciarie when ever he shall be citted or called befor aither of them to ansuer for his accessione to the laite tumulte committed by severall

¹ See March 10th, presumably the same person.

² Word uncertain.

footmen within the parliāt hous and that wnder the paine of fyve hundredth merks scots for doeing wherof this shall be yo^r warrand

Sic Sub Geo: McKenie

March 8th 1685

Thes ar warranding you to permitt Thomas Ross servant to my Thomas Ross
Lord Edmistoune frelly owt of prisone for which this shall be yo^r relieved.
warrand at Edr 8 March 1685

Sic Sub Geo McKenie

Ja Foulis

March 8th 1685

The Lords of his māties privie Counsell haveing heared and con- Mr John
sidered a petitione presented by Mr John Knox laite minister at wast Knox
Calder¹ with ane testificat of his valitudinary conditione wnder the
hand of ane doctor of medicine suplicating for liberty doe heirby give
ordour and warrand to the Magistrats of Edr and Keepers of the Tol-
buith therof to sett the sd Mr John Knox at liberty In regaird he hes
found cautione acted in the books of privie Counsell that he shall live
peacable and reenter his persone within the tolbuith of Edr wpon the
fyfth day of april nixt to come wnder the penaltie of fyve thousand
merks Scots money

Sic Sub Colin McKenie

[1. Previously and afterwards M. of N. Leith.]

March 8th 1685

Thes ar alloweing Sr Wm Scott youngers Lady [blank] the Laird of Lady Scott
Craigentinie and Sr patrick Scot to convers with Sr Wm Scott younger and others to
of Harden till furder ordour Att Edr the 7th of March 1685 see Sir W^m Scott.

Sic Sub Geo McKenie

[See March 13th.]

March 8th 1685

Thes ar giveing ordour to the keepers of the tolbuith of Edr to Physicians
permitt phisitianes to visite Johne McKie of Ballowne and if the sd to visit Johne
phisitianan find him in ane dangerous conditione allows the sds keepers
to taik the Iernes of him and to permitt his phisitians and freinds to
visit him in ther or either of ther presence allanerly they being allwayes
ansverable for his saife custodie and that he esceap not
McKie.

Sic Sub Geo: McKenie

March 9th 1685

Andrew
Riddell
warded.

Andrew Riddell by desyre from the Earle of hoome to receave him from the commanding officer (or any he shall committ the guiding of him to) of Berwick & convoy him safely to the nixt shirreff who is heirby ordored to receave him & convoy him to the nixt & so from shireffe to shireff wntill he be brought to Edr qr the magistrats & keepers of the Tolbuth are to receave him & keepe him into sure firmance wntill farder order for doeing of all which thes shall be to all respectively concerned ane full & sufficient warrant Given at Tuidmouth the 7 March 1685

Sic Sub Perth Cancell

ffor the Earle of Hoome
Shireff of the shyre of berwick
wt ane order to the magistrats to
receave him as the sd order bears

[See May 20th.]

March 10th 1685

Capt Andrew
Dick
relieved.

Thes ar giveing ordour and warrand to the masters of the tolbuith of Edr to sett at liberty Captain Andrew Dick prisoner therin for not payt making of on thousand merks as the expenses of plea and witnesses expenses in the process laitly pursegued befor the counsell agst him in regaird he hes fund sufficient cautione acted in the books of privie counsell to have the sd expenses in redenes wpon tuesday nixt to be payed to the chargers in caice it be found he ought so to doe at discussing of the susspetione raised in the sd mater at that diet

Sic Sub Will Patarson

March 12th 1685

Eight
persons
warded.

Charles Gray .
William Cunningham ¹
William Oliphant
Alex^r Sheill ²

John fforman
Androw Craffurd ³
John Mortine
John ffrazer

Being all the sd day wardit by ordour of his māties privie Councill and brought heir by a gaird from leith

[1. See March 17th. 2. See March 27th. 3. See March 18th.]

March 12th 1685

The lords of Counsell and Sessione doe give ordour and warrand John Gray
to the Mātrs of Edr to sett at liberty out of ther tolbuith John Gray ^{relieved.}
servant to the Lord Livingstoune being apprehended and comitted
to prisone as suspected guilty of the laite insolensie comitted by some
footmen in the owtter hous in regaird the guilt is not proven

Sic Sub Da: falconer

March 12th 1685

The Lords of his māties privie Counsell haveing considered a Mr Anthony
petitione pñted by Mr Anthony Murray lait indulged minister at Murray
Carmichell prisoner in the Tolbuith of Edr suplicating for liberty
doe hearby give ordour and warrand to the mātrs of Edr and Keepers
of the Tolbuith therof to sett the sd Mr Anthony Morray at liberty
in regaird sufficient cautione is found for him that he shall live peacable
and that he shall appeir befor the Counsell when called for

Sic Sub Will: patersone

March 12th 1685

The Lords of his māties privie Counsell doe hearby give ordour Mr Andrew
and warrand to the magistrats of Edr and masters of the Tolbuth ^{Hay relieved.}
therof to sett at liberty Mr Andrew Hay of Craignethen in regaird he
hes found cautione the penaltie of ten thousand merks to confyn him-
selfe to y^e toun of Edr & libertys yr̄of & not to depairt furth of y^e
same w̄out licence from the Councell *Sic Sub Will: paterson*

March 12th 1685

The Lords of his māties privie Counsell doe hearby give ordour and Wm Pollock
warrand to the mātrs of Edr and Keepers of the Tolbuith therof to ^{relieved.}
sett at liberty William pollock Gairdner in Edr in regaird of his māties
gracious indemnity of the daite the 26 of febrij last by past

Sic Sub Will: patersone

March 12th 1685

The lords of his māties privie councill haveing considered a petition Mr Ja: Currie
presented by Mr Ja: Currie late indulged min^r at Shotts prisoner in ^{relieved.}
the Tolbuth of Edr suplicating for liberty doe heirby give order &

warrant to the magistrats of Edr & Keepers of the Tolbuth yrof to sett the sd Mr James Currie at libertie in regaird sufficient caone is found for him that he shall live peaceably & that he shall compeir qn called befor the councill

Sic Sub Will: patersone

March 12th 1685

Mr Robert
Mowat
relieved.

Mr Robert Mouat late indulged minr at Herriet . . . set at libertie . . .

[The warrant is almost word for word the same as in the preceding case of Mr James Currie.]

March 13th 1685

Alex^r
Hamiltoun to
visit Sir Wm
Scott.

Conforme to ane petone presented by Sir Wm Scott of Harden qrof the tenor follows

The lords of his maties secrat Committie grant access for Alex^r Hamiltoun for visiting the petitioner qnever he pleases

Sic Sub Will: patersone

[See March 19th.]

March 13th 1685

Mr Androw
Miller
relieved.

Mr Androw Miller late minister at nilstoun . . . set at libertie . . .

[The warrant is almost word for word the same as in the case of Mr James Currie : see March 12th.]

March 14th 1685

John
Maxwell
relieved.

The Lords of his Majesties privie Counsell doe heirby give ordor and warrant to the Magistrats of Edinburgh and Keepers of the Tolbuith therof to sett at libertie John Maxwell in Paislay in regaird of his Majesties Gratioues indemnity of the date the Tuentie sext day of februarij last by past

Sic Sub Colin McKenzie

March 14th 1685

Duncan
ffergusone
relieved.

The Lords of his Majesties privie Counsell doe heirby give ordor and warrant to the Magistrats of Edinburgh and Masters of the Tolbuith therof to sett at libertie Duncan fergusone Atholeman in regaird of his Majesties gratious Indemnity of the date the Tuentie sext day of februarij last by past

Sic Sub Colin McKenzie

March 14th 1685

The Lords of his Majesties privie Counsell having considered the petition presented by Mr Duncan Campbell in Knapdaill late indulged ^{Mr Duncan Campbell relieved.}
 Minister in Argyle prisoner in the Tolbuith of Edinburgh supplicating for liberty doe heirby give ordor and warrant to the Magistrats of Edinburgh and Keepers of the Tolbuith therof to sett the said Mr Duncan Campbell at liberty in regard sufficient caution is found for him that he shall live peiceably and compeir befor the Counsell when called for

Sic Sub Will: Paterson

March 14th 1685

Anent a petitione presented by Alexander Williamsone in Black-^{Alex^r Williamsone relieved.} craig shewing that the poor supplicant being naither lyferenter, woodsetter nor any of the persons excepted from his Majesties indemnity Bot vpon the contrary cleirlie included therein And being of loyall principalls and practises abhoring all murthers and assasinations and who hes already and is still willing to take the oath of alledgedence and Test, And for evidence that he is not heretor, woodsetter or lyferenter, cannot only depon[e] thervpone Bot lykwayes hes given in ane Renunciation vnder his hand of all or any of thes interests in his persone since the act of indemnity 1679 or befor And therfor humbly supplinge the Counsell would be pleased to take compassione vpon the poor supplicants sad condition being in great penurie and want and reduced to great infirmity of body throw long impriso[n]ment And to ordaine him to be set at liberty being cleirly within the act of Indemnity as said is The Lords of his Majesties privie Counsell having heard and considered the above wrin petitione doe in regard the petitioner hes given in a renunciatione vnder his hand of any heretage he hes or had and hath formerlie taken the Test heirby give ordor and warrant to the Mag[is]ts of Edr and Keepers of the Tolbuith yrof to set the petitioner at liberty in respect of his Māties indemnity

Sic Sub Colin McKenzie

March 17th 1685

Anent the petitione presented by Thomas Greir prisoner in the Tolbuith of Edr shewing that wheras the petitioner hes continuoud ^{Thomas Greir relieved.} long in prisone in ane miserable condition And being called severall

tymes befor the Counsell And gave all obedience demanded yet wes misrepresented as alledged being ane Heretor which the petitioner wes nevir knoune to be Bot on the contrair ane poor fermor And now seing his Majestie having bein gratiouly pleised to indemnifie all such It is humblie expected the petitioner shall have the benefite of his Majesties said gratiou act in regard he hes renunced all lands or heretages belonging to him or his, in his Majesties favours As the said Renunciatioun produced in Counsell testifies And therfore humblie supplicating the Counsell would be pleised to comiserat the sad conditione of the poor petitioner and ordaine him the benefite of his Majesties gratiou act and ordor his liberty out of the said prison The Lords of his Majesties privie Counsell having considered the foirsaid petition and renunciatione doe in regard of his Majesties Indemnity ordaine the petitioner to be sett at liberty

Sic Sub Colin McKenzie

March 17th 1685

Accommoda-
tion for Wm
Cunyng-
hame.

M^r Vdney and M^r Vans Accomodat William Cunynghame prisoner latlie come from Ingland with a chamber on the west syde of the tolbuith And give him open prison And this shall be your warrand I mean by open prisone libertie only to freinds and ministers

Sic Sub Geo: MacKenzie

March 17th 1685

Robert Hill
relieved.

I Gilbert Guyler ane of the Quarter Guners to his Maties Artilyre doeth by thir presents consent to sett the persone of Robert Hill Causay Layer now prisoner in the Tolbuith of Edr at my instance and ordaines him to be sett forth out vpon sight and this shall be warrant for the Magistrats and Masters of the Tolbuith of Edr and I am content and consents that this my consent shall be insert in the Books of Counsell and Sessione or any other judges books competent w^tin this our Kingdome Befor thir witness vthred McDowall sholdier and John Main sutor *Sic Sub G: G: John Main witnes vthred McDowall witnes*

[Hill was 'wardit' on March 16th for 'not pay^t macking of fourtie four pound Scots with four pounds of expens.']

March 17th 1685

I Patrick Murray laull sone to Sir patrick Murray of deuchar does Archd Broun relieved.
 by thir presents bind and obleis me my airs exērs and successors
 To obtaine and procure from Thomas Broun tennent in Temple ane
 frie and reall consent for the liberation of Archbald Broun Breuar
 in Portsburgh who wes incarcerated at the instance of the said Thomas
 Broun by l̄es of captione for not payment making to him of the soume
 of Ane hundredth and tua pounds scots with Threttie pounds of expens
 and certane bygone @ rents contained in ane band granted be the said
 Archbald to the said Thomas of the date the eight day of Julij last
 regrat in the Commissr court Books of Edr the fyftein day of December
 also last bypast and in regaird the said Thomas is not at present in
 Toun Therfore in his name and behalfe as afoirsaid binds and obleiss
 me not onlie to procure the said consent bot lykewayes to warrant
 freith releive harmles and skaithles keep the Magistrats of Edr and
 keepers of the tolbuith therof for his liberatione of all coast or skaith
 they may happen to sustaine yrthrough and consents to ye registratione
 heirof in the books of Counsell and Sessione Befor thir witness patrick
 Chrystie dyster burges of Edr and mr Thomas Gow wryter heirof
Sic Sub Pat: Murray Patrick Chressisone witnes Thomas Gow witnes

[Archd. Broune was warded on March 7th.]

March 18th 1685

Anent a petitione presented by Sir John Maxuell of Nether Pollock Sir John
 prisoner in the tolbuith of Edr shewing that where vpon Saturday Maxuell relieved.
 last the petitioners only sister the Lady Calderwood depairet this
 lyfe And the supplicant being most desyrous vpon many considera-
 tions to attend her funeralls and to see to the security of her childrene
 and to have liberty for that effect for some tyme And therfore
 humblie supplicating that ordor and warrant might be granted to the
 effect foirsaid for some competent tyme The Lords of his Māties
 privie counsell having heard and considered the forsaide petitione doe
 heirby give ordor and warrant to the Magistrats of Edr and Keepers
 of the tolbuith yr of To sett the said Sir Johne Maxuell petitioner
 at liberty in regaird he hath found sufficient cautione acted in the
 books of privie counsell to reenter the said prison vpon the second
 day of Apryle nixt vnder the penalty of Ten thousand pound sterleng
 in caice of failzie

Sic Sub Colin McKenzie

March 18th 1685

priv^{ll} deēt
given out to
Geo:
m^cfarlan
officer

Hellin
Ramsay
warded.

Hellin Ramsay relict of the deceast James Aickenhead Appothocarie burges of Edr wardit by ane deēt and befor the justices of peace of the daite the 13 of August 1683 years at the instanc of Sir patrick Hapburne of burncastell as heritor of ane cellar & chope for hir brecking open of ane cellar doore pertaining to the sd Sir patrick wpon the 3^d of August : 83 & entered yrin & continous ther without any order of law & seāll wyr ryots committed by hir as the sd deēt in itself more fullie bears by vertū qrof Geo: M^cfarland officer incarcerat the sd Hellin Ramsay the sd day

[See March 25th.]

March 18th 1685

Physicians to
visit Androw
Craufurd.

Thes are allowing phisitians to goe and see Androw Craufurd prisoner in the tolbuith of Edr And to give their ansyr of his seek conditione by

Sic Sub Geo: MacKenzie

[See succeeding entry.]

March 18th 1685

Androw
Craufurd
relieved.

Thes are giving ordor and warrant to the Magistrats of Edinburgh and Keepers of the tolbuith therof to set at liberty Androw Craufurd dyster prisoner there conforme to a warrant for that effect

Sic Sub Will: paterson

March 18th 1685

Lady Colvill
relieved.

The Lords of his Māties privie counsell haveing considered ane addresse made by dame Margaret Weems Lady Colvill prisoner in the tolbuith of Edr with a certificat of her present bodilie indispositioun doe heirby give ordor and warrant to the Magistrats of Edinburgh and Keepers of the Tolbuith yrof to set her at liberty in regaird she hath found cautione vnder the penalty of the fyne for which she is incarcerated to confyne herselfe to a chamber in the toun of Edr and reenter the said prison vpon the second day of Apryle next

Sic Sub Will: paterson

March 19th 1685

William Doick ¹ all wardit by Rot sherar serjant to Captaine Five persons
 John Marshall McGill his companie belonging to Collonell warded.
 Joseph Thomsone Duglass his regiment of foot by ane partie
 William jackson under the comand of the sd sarjent tacken by
 John Mitchell ² ane s[e]arch at night the 18 of march : 85

[1. See March 28th 2. See March 30th.]

March 19th 1685

Keepers of the Tolbuith of Edr ye shall permitt Andrew Ker of Andrew Ker
 Littledean and James Scott of Bowhill to speek with Sir William Scott & James
 of Harden prisoner within the tolbuith of Edr you being alwayes Scott to speak
 present with them your selfe when they speek with him ffor doeing with Sir Wm
 wheroft this shall be your warrant Sic Sub Geo: MacKenzie

[See April 4th.]

March 20th 1685

The Lords of the Committee of his Majesties privie Counsell for Robert Boyd
 publict affaers doe heirby give ordor and warrant to the Magistrats yr. relieved.
 of Edr and Keepers of the tolbuith therof to sett Robert Boyd sone
 to Robert Boyde of Portincrose at liberty in regaird of his Maties
 Indemnity and that he hes in their presence suorne and signed the test

Sic Sub Colin McKenzie

March 21st 1685

You are also ordored to sett at liberty James Bennett Inglishman James
 prisoner for alledged false coyneing ffor which this shall also be your Bennett
 warrand Sic Sub Geo: Mackenzie relieved.

March 23rd 1685

James Glen ¹ and James Glen
 William Grahame & Wm
 Wardit by ane order from Ro^t Baird of Saughtounhall qrof the Grahame
 tenor follows warded.

You are to receave in your custodie tuo vaging persones who have
 been committing Robry and Hemmsucken in the west kirk paroch
 wntill they be examined by the shirreffes & this shall be your warrand

Sic Sub Robert Baird

[1. See May 21st.]

March 25th 1685

John
Whitfoord
warded.

Masters of the Tolbuth of Edr

You shall imediately wpon sight heirof imprisone John Whitfoord of Blairquhen in your Tolbuth till farder order for which this shall be your warrand

Sic Sub Kintoir

Geo: M^cKenzie

Geo: M^cKenzie

[See March 28th.]

March 25th 1685

Hellin
Ramsay
arrested.

Hellin Ramsay aforsd arristed by lres of lawborrous reased at the instance of Thomas Aickinhead mert in Edr for not finding sufficient ca^one acted in the booke of Councill & sessione that the sd compl^r his bairnes servants & wthers belonging to him should be harmeles & skaithles in y^r bodies goods & gear And that wnder the paine of fyve hundred merks Scots money As the sd Captione of lawborrous in itself more fullie bears by vertue q^rof Ro^t king mess^r arristed which lres are signet the 25 march 1685

[See April 29th.]

March 20th 1685¹

Oliver
Sinclair
warded.

Oliver Sinclair wardit by order of my Lo/ provist and the committee for the impositione of wynes at the instance of Andrew Mortoun Taksman

March 26th 1685

Oliver
Sinclair
relieved.

The which day the lords of Councill & sessione ordains Oliver Sinclair vintiner in Edr to be sett at liberty And this shall be ane sufficient warrant for the masters of the Tolbuth therof And this done by Alexander Hamiltoun Meacer for the sd lords of session

March 26th 1685

Mr Rob^t
Duncansone
relieved.

The which day the Lords of his Majesties privie Counsell doe heirby give ordor and warrand to the Magistrats of Edinburgh and Keepers of the tolbuith therof to sett at liberty Mr Robert Duncansone late indulged minister att Campbletoun in regaird sufficient caution is found for him acted in the books of privie Counsell to compeir when called And in the meane tyme to leive peiceably vnder the penalty of fyve thousand merks

Sic Sub Colin M^cKenzie

¹ Follows March 25th in the *Records*.

March 27th 1685

Gilbert McMikin of Killintringan	Gilbert McMikin & John Kennidie warded.
John Kennidie in Glenour	
Wardit within this tolbuth & brought in by major Lyon leutinant to Capt: Grahames companie & corporall Grahame	Kennidie warded.

March 27th 1685

Robert Burnett wrytter to the signet wairdit be l̄es of captione Robert
att the instance of Euphame Dundas relict of the deceist Mr John
Burnet Minister att Kilbryde ffor not payment making to her of the
soume of Ane Thousand merks scots money of prin^{ll} as yet resting
vnpayded of the prin^{ll} soume of Ane Thousand pounds money foirsaid
And of the proportionall pairet of the soume of Tuentie pounds of expenss
for ilk terme of thrie termes failzie with certane bygone @ rents effeiring
to the soume of Ane Thousand merks contained in ane band granted
be him to her of ye date the seventh day of March 1677 yeirs regrat
in ye Books of Counsell and Sessione the first day of March 1680 yeirs
as the saids l̄es of captione in themselves more fully beirs By vertew
qrof Gilbert pigget obtained concurrence from Baillie [name omitted]
which l̄es are signet att Edr the nynth day of Appryle 1684

[Liberated March 28th by consent of Eupham Dundas and her
daughter Susanna Burnet.]

March 27th 1685

Mr Vans permitt the beirer David Denholme syrvitor to Sr Alex- David
ander Gibsone to have access to Mr Alexander Scheill prisoner And Denholme to
this shall be your warrand Given att Edr the 25 of March 1685 see Mr Alex^r
Scheill.

Sic Sub Geo: MacKenzie

March 27th 1685

The Lords of his Maties privie Councill doe heirby give ordor and Alex^r Porter-
warrand to the Magistrats of Edr and Keepers of the Tolbuith therof feild relieved.
to sett Alexander Porterfeild of ffullwood prisoner at libertie in regard
caution is found acted in the books of privie Counsell that he shall
re enter his persone prisoner in the said tolbuith vpon the Tuelth day
of Apryle nixt to come vnder the penalty of ffourtie Thousand pounds
scots money

Sic Sub Will: paterson

[Porterfeild was 'werdit by order of the Councill' November 20th
1684. See also April 12th.]

March 27th 1685

Mr George
Roome
relieved.

Thes are giveing ordor and warrand to the Magistrats of Edr and Keepers of the Tolbuith therof to sett Mr George Roome prisoner at liberty in regaird he is comprehended in his Māties Indemnity and that he hes suorne nevir to ryse in armes against his Majestie nor his authority vpon any pretext whatsomever

Sic Sub Colin McKenzie

March 27th 1685

Mr Jas
Mcgilchrist
relieved.

Magistrats of Edr and Keepers of the tolbuith therof sett Mr James McGilchrist prisoner at liberty gratis in regaird he hes gott the benefite of his Māties Indemnity and this shall be your warrant

Sic Sub Will: Paterson

March 27th 1685

Mr Johnne
Lauther
relieved.

The lords of his Māties privie Councill having considered a petitione presented be Mr Johne Lauther late indulged minister at Dalzell prisoner in the Tolbuith of Edr doe heirby grant ordor and warrant to the Magistrats of Edinburgh and Keepers of their Tolbuith to sett the said Mr John Lauther at liberty in regaird caution is found acted in the books of privie Councill that he shall live peaceably and compeir when called

Sic Sub Colin McKenzie

March 28th 1685

W^m William-
sone relieved. The Lords of his māties privie Counsell doe heerby give ordour and warand to the mātrs of Edr and Keepers of the tolbuith therof to sett W^m Williamsone at liberty in regaird of his maties Indemnatie

Sic Sub Colin McKenie

March 28th 1685

Whytfoord
of Blarqhan
relieved.

Thes ar warranding you to permitt Whytfoord of Blarqhan to pass out of prisone notwithstanding of the ordour given by ws to secure him formerly

Sic Sub Kintoir

Geo: McKenie

[See April 11th.]

March 28th 1685

William Dog relived by ane prented pass off the dait the 28 march W^m Dog
forsd subscribed by his M^ties Advocat *Sic Sub Geo: McKenie* relieved.

March 30th 1685

Thes are ordoring you the Keepers of the tolbuth of Edr to sett Jean
at liberty Jean Drumond being certainly informed of hir seeknes & Drumond
indisposition for doeing q̄rof this shall be your warand day & daite
forsd *Sic Sub Geo: MacKenzie* relieved.

[March 30th 1685]

Att the tolbuth of Edr the eighteen day of Ap^{ll} jai vic & four scoir walter
fyve years compeired alex^r brand baillie & sighted ye corps of walter thomson &
thomson who deceist yesterday being imprisoned at the instance of John
evin paterson lait colector of his Maj customs at leith, and also sighted
ye corps of Jon Mitchell prisoner in ye gentlemens Chalmer in ye sd
tolbuth who wes imprisoned by his Maj privie Counsells order at ye
last search in ye City, and Issobell thomson sister to ye sd walter
thomson being p̄nt at ye visitaⁿ of ye sd walter his corps she acknowledg'd
the deceist wes her brother And ye witness efter named being
p̄nt at ye visitaⁿ of ye sd Walter his corps viz alex^r henderson sone
of Simeon henderson mer^d in Edr James tailyer tailyer in Cannogait
& Jon blaiky ane of the syrvants of ye tolbuth who declared it wes ye
p̄son of ye sd walter thomsone and also George browne tailyer James
gray Jon Restoun prisoners in ye sd gentlemans Chalmer being witness
at ye visitaⁿ of ye corps of ye sd Jon Mitchell they declared it wes his
person q̄rvpon Mr Jon Vans Keeper of ye sd tolbuth took instruments
deceased.

April 4th 1685

Gentlemen permitt John Broune to goe out of the Tolbuth wpon John Broune
his parroll to re enter wpon Thursday nixt in case he satisfie not the relieved.
Tacksmen betuixt & that tyme & wpon payt of his house dews since
his last incarceraⁿe This being the desyre of the Tacksmen is signe-
fyed to you by your humble servant *Sic Sub Ro: Mylne*

April 4th 1685

— gordoun
relieved.

The lords grants warrand to the magistrats of Edr to sett th[e] w^tin named [blank] Gordoun servant to the Earle of Wintoun at libertie the Earle or Mr [blank] Dumbar giveing band to present him when he shall be cald for under the paine of 300 merks Scots

Sic Sub Da falconer p. d

April 4th 1685

I Wm Wilson servitor to Sir Alex^r Gibsone ane of the clerks of sessione doe heirby declare that conforme to the lords ordinance I have receaved the Earle of Wintouns band to the effect forsd

Sic Sub Will: Wilson

April 4th 1685

Sir Wm
Scott's
friends to
see him.

Keepers of the Tolbuth of Edr permitt William Ker of Chatto Cristan Scot his ladie and Rot Scot sone to Sir William Scot elder of Harden to have access to & speik with Sir William Scott yo^r of Harden prisoner in the Tolbuth of Edr on of the Keepers of the Tolbuth being allwayes present with them when they speike with him the sd Sir Wm Scot for doeing quod of this shall be your warrand

Sic Sub Geo MacKenzie

[See April 4th—next entry but one.]

May 8th 1685 ¹

John Gled-
staines Wm
Gray & Wm
Grahame to
go to
Holland.

Wee John Gledstaines Wm Gray & Wm Grahame doe be thir prents willingly condiscend to goe allongst to Holland wt Captane Bruce to serve in his companie vnder ye prince of Orange & because we cannot wryte ourselves we give full pouer to Arthur Vdney ane of ye Goodmen of ye sd tolbuith of Edr for ws befor witness *Sic Sub* Arthur Vdney R Bruce witnes Thomas Gow witnes John Main witnes

April 4th 1685

Capt Scott &
Walter Clerk
to see Sir
Wm Scott of
Harden.

Permitt the bearer heirof Captain James Scott ane of the brigadeirs of his maties toun gaird and Walter Clerk of Bridghigh his broy^r in law to pass & repass to Sir William Scott of harden now in closs prison within the Tolbuth of Edr And this shall be your warrand ffor the

¹ ? April 8th—follows April 4th in the *Records*.

Keepers of the Tolbuth of Edr & *yr* servants but you are to suffer naither to speike but in your oun presence

Sic Sub Geo: McKenzie

[See next entry.]

April 7th 1685

Keepers of the Tolbuth of Edr

Ye shall permitt any of the ordinar phisisians of Edr to have Physicians to access to Sir William Scott yo^r of Harden prisoner & administrat have access to
Sir W^m medicine to him for his pñtt indispositione of bodie at such tymes Scott. as he shall desyre them on of you being allwayes present with them when they speik with him for doeing this shall be your warrant

Sic Sub Geo: MacKenzie

If Sir William fall seeker suffer Walter Riddell to stay in with him for tuo nights

Sic Sub Geo: MacKenzie

[See April 13th.]

April 9th 1685

Whereas wpon the death of the deceast John Alisone late chamber- John Hoog land to the Duck of Quinsberrie & the lords of his māties privie councill warded. did by ther act of the date the first of July last ordaine all wreats & papers belonging to the sd John or which were in his custodie the tyme of his deceas to be sequestrat & putt in the hands of the clerks of councill wntill the Ducks intrest & the intrest of all wther parties should be determined and accordingly John Hoog pursevant in whose hands seāll of the sds wreats were being called & haveing deponed & acknowledged the same befor ane committie of his māties privie Coun- cill as his depositione extant in the clerks hands bears nevertheles in contempt of the said ordinance it is informed that the sd John Hoog hes given wp at least intends to give wp the sds wreats to Ritchard Miller or some wyr partie pñding right yrto Thes are therfor giveing warrand to Macers or messrs to apprehend & incarerat the persone of the sd John Hoog in the Tolbuth of Edr wntill he deliver unto the clerks of the council the hail wreats mentioned in his sd depositione & Inventar to remaine in *yr* hands till farder order Given at Edr the sixt of March 1685

Sic Sub Perth Cancell

[See April 22nd.]

April 11th 1685

Whittfoord
warded.

John Whittffoord of Blachan aforsd incarcerat by order of his māties privie Councill James Irvin macer

April 12th 1685

Al: porter-
feild entered.

Alexander porterfeild of ffoulwood aforsd entered himself prisoner conforme to his band of ca^onrie granted to the lords of his māties privie councill

[April 13th 1685]

Edinburgh tolbuith the thretein day of May
jai vi^c & ffour scor ffyve years at eliven hōrs
in ye foir noone

James glover
deceased.

The same day compeired thomas Rotsone baillie and sighted the corps of James glover who was imprisoned vpon the 28th of Nov^r last by order of his Maj priv[i]e Counsell as a persone disaffected to the government the witness efter named did acknowledge & declare yt ye corps wes ye p̄son of the sd James Glover q̄rvpon ye sd baillie & ye Keeper of the tolbuth Arthour Udney protested to be sure of any actione yt may happen to be intended agt them & ȳrvpon they took Instruments witness Peter Cunyhame & Jon Marshell prisoners in ye Iron hous & W^m Law syrvant to ye Keepers of ye tolbuth

Alex^r Gay Not publicus

April 13th 1685

Sir W^m
Scott's
petition.

Anent the petition given in to the lords of his Maties Secret Committie by Sir William Scott younger of Harden mentioning that where the petitioner becoming very tender & valitudinary soe that he is necessitat to take phisick And having noe persone alloued to attend him as a syrvant and Walter Riddell of Neuhous being willing to attend him and goe in and out for doeing his bussines that concerns his halth Therfor supplicating his Grace the Lord high Chancellor would grant warrand to the Keepers of the Tolbuith to suffer & permitt the sd Walter Riddell to attend the petitioner as a syrvant And lykwayes that his grace the Lord high Commissioner would be pleised to suffer Sr W^m Scott the petitioners fay^r to visite him in his close prisone The Lord high Commissioner & Lords of the secreit Com-

mittie grants warrand to the Magistrats & Masters of the tolbuith of Edr to suffer and permitt Sr William Scott the petitioners father to have acces to him when he requyres it And also grants warrand to ye sds masters of the tolbuith to suffer and permitt the sd Walter Riddell of Neuhaus to gett acces to ye petitioner as a syrvant he alwayes remaineing close prisoner with him after acces vntill he be releised by ordor

Sic Sub Geo: McKenzie

[See next entry.]

April 13th 1685

Wnto his Grace the duke of Queensberrie his Māties High Com- Robt Laurie
missioner the Humble Petition of Robert Laurie of Maxueltoun and & his Lady to
Jean Riddell his Lady. Sheweth that where Sr William Scott younger see Sir Wm
of harden being close prisoner in the tolbuith of Edr and noe persone
suffered to speake to him without your graces warrand And we
having severall bussines to speek of with the said Sr William Therfor
humblie craves his Grace to grant warrand to the Keepers of the
tolbuith of Edr to suffer and permitt the petitioners to have access
to the said Sir William Scott that they may speike with him anent
their affaires The Lord High Commissioner and Lords of Secret
Committie grants the desyre of the bill *Sic Sub Perth Cancell*

April 14th 1685

Thomas Kelvin wardit by order from Leutinant grāll droumond Thomas
qrof the tenour follows Kelvin
warded.

Sir

Receave the persone of Thomas Kelvin and putt him in the irons
or some sure place wntill farder order for qch this shall be your warrand
day place & daite forsd direct for Mr John Vanss or Arthur Wdney
Keepers of the sd Tolbuth

[See April 22nd.]

April 14th 1685

Sir George Campbell and
Sir Hugh Campbell wardit by ane verball order from my Lord
livingstoun Captaine to his māties troupe of Gairde

Sir Geo &
Sir Hugh
Campbell
warded.

[See April 18th.]

April 14th 1685

Hay of Park
warded. John Hay of Lochloy alias of parke wardit by ane verball order
from my Lord Livingstoun Captain to his māties troup of Gaird
[See April 18th.]

April 15th 1685

Kennidie of
Clouburn
entered. [blank] Kennidie of Clouburn entered himself prisoner conforme
to his band of caōnrie granted to the lords of his māties privie Councill

April 18th 1685

John Din
relieved. Thes are testifieing that John Din syrvitor to the Lord Aberdour
who with vthers wes committed prisoner to the Tolbuith of Edr for
the insolencie & disorder comitted be them in the vtter house in tyme
of sessione is now ordered to be sett at liberty The Lord Aberdour
his Master becomeing caūr for presenting him when called for who
hes given his band to that effect *Sic Sub Al Gibsone*

April 18th 1685

Lairds of
Cessnock &
Hay of Park
allowed free
prison. Keepers of the Tolbuith of Edr in respect it hes alwayes bein the
practise in this Kingdome to allow prisoners who were accused for
the crymes of treason and other capital crymes the friedome of the
prisone where they were incarcerated immediatlie after they had gott
yr Lybells or Indytmnts And sieing the Lairds of Cessnocks Elder
and younger and John Hay of Park¹ are actually cited to the ensuing
parliament to ansyr to the Lybells of Treason raised against them
Therfor ye shall vpon sight heirof allow them the same liberty and
friedome of prisone that ye have bein in vse to allow to vther prisoners
in yr circumstances ffor which this shall be your warrand ye are to
allow them the same friedome that old Cessnock had when he wes
accused befor the justices *Sic Sub Geo: McKenzie*

[1. See June 17th.]

April 22nd 1685

John Hoog
relieved. Be pleased to sett John Hoog at liberty in regard that George
Adamsone hes given his poroll to Hugh Wallace of Inglisoun & me
to returne him to prisone when ever he is requyred ffail not in this
And this shall be your warrand att Edr the 22 day of Apryle 1685
Sic Sub J. Richardsone ffor the Goodman of the Tolbuith of Edr

April 22nd 1685

Sir vpon sight heirof sett Thomas Kelvie at frie liberty furth of *Thos Kelvie relieved.*
the tolbuith of Edr w'tout paying of any house deues in respect he
is ane of the Kings sholdiers and a poor man And for doeing q̄rof
this shall be your warrand *Sic Sub W Drummond*

[See next entry.]

April 22nd 1685

Sir Permitt Thomas Kelvie prisoner committed within the tolbuith
of Edr by my order to come to me vpon sight heirof which shall be
your warrand *Sic Sub W Drumond*

April 29th 1685

Helen Ramsay relict of vmq̄ll James Aikinhead liberat be consent *Helen
Ramsay relieved.*
of Patrick Hepburne appothecarie in Edr Hugh Neilsone and Chris-
topher Porteous by vertew of ane dect of the Baillies of Edr as justices
of peice pronounced in our favours agt her for ane ryott or violent
intrussione comitted be her I doe heirby consent to her liberatioun
w't this provision alwayes that in caice the said Helen doe any wayes
misbeheave touards me or my sds tennents or yr syrvants it shall
be leisome to me to incacerat her againe at my pleasyr In witnes
q̄rof I have wrne & sub̄t thir p̄nts at Edr the 29 of Apryle 1685 years
Sic Sub Pat: Hepburne

April 30th 1685

John Campbell of Sococh (Succoth) wardit by order of his māties John
privie Councill *Campbell
warded.*

[See May 24th.]

April 30th 1685

Sir Collin Campbell of Ardkinlass wardit by order of his māties *Campbell of
Ardkinlass
warded.*
privie Councill q̄rof the tenor follows

His māties high Commissioner and lords of privie Councill doe
heirby recomend to Grall Dalzell to cause bring in by such ane partie
of his māties forces as he shall think fitt the persone of [blank] Campbell
of Ardkinlass from the Castell of Blackness to the Tolbuth of Edr for

which this shall be ane sufficient warrant to the governur of the sd Castell to deliver him to and the magistrats of Edr to receave him from the ſd partie

Sic Sub Will paterson

May 2nd 1685

Alex^r
Martine
relieved.

Whereas Alexander Martine Comiss^r clerk of Lauder hes satisfied me for his fyne of Ane Thousand pound sterlinc for which he wes incarcerated w^tin the tolbuith of Edr by vertew of L^res of Captione or ordor off Counsell at my instance as His M^ties Cashkeeper I doe yrfor heirby consent yt ye said Alexander Martine be furthwith liberat out of ye said Tolbuith for the cause foressd ffor which thes presents shall be to ye keepers of the said tolbuith and all concerned ane sufficient warrand

Sic Sub Hew Wallace

May 7th 1685

Mr James
Hutchiesone
relieved.

His M^ties High Commissioner and lords of privie Counsell having considerred ane addres made be Mr James Hutchiesone late indulged minister att Killellar prisoner in the tolbuith of Edr doe heirby give ordor and warrand to the Magistrats of Edr to sett him at liberty in regard of the caution found Conforme to ane act of Counsell of the date of these pnts

Sic Sub Colin McKenzie

May 8th 1685

John Douglas
warded.

John Douglass baxter wardit by order from the lord high constable qrof the tenor follooues

Wheras by ane compleint given in to the high court of constabularie and justiciarie agst the sd John Duglass for beating bleeding and wounding Elison Crombbie relict of John Lauder the sd John Douglass was laullie cited to appaire befor the sd court wpon the fourth of May instant to have seen & heard witness led & deduced for proveing of the sd lybell reased agst him. The sd John did most contemptuously absent himself yrfae to the high and great contempt of the sd court Therfor these are giveing pouer order & warrant to Gilbert Maire William Carnagie and remnant sairgents and officers of the Court to pass to the duelling house of the sd John or any wyr house or place qrever he may be found & yr to tacke seize & apprehend his persone and incarcerated him within the Tolbuth of Edr and ther to keepe him in sure firmance ay and qll he bee relieved and tacken furth yrfof be

warrant from the high constable or his deputs And you are heirby ordored to requyre the Keepers of the sd Tolbuth to accept and receave the persone of the sd John douglass and in case of refussall to aske & tacke instruments *yrwpon* and they receaving him as aforsd to call for and tacke the Keepers ther receipt for him Given at Edr the seavent day of Maij 1685

Sic Sub Will: leith

[See May 9th.]

May 8th 1685

Kathrin Stirk wardit by ane missive ler from Sir Androw Ramsay Kathrin Stirk warded. qrof the tenor followus

Thes are desyring you to receave the persone of Kathrine Stirk who is suspected of being accessorie to the murder of hir doughters new borne child as lykuayes of hir daughters escape out of the prisone heire lett hir be kept in the prisone & entertained with such sober convenient food which I judge may be 3s Scots a day and I shall see it payed I rest

Sic Sub your humble servant

A Ramsay

[See May 11th.]

May 9th 1685

Permitt on sight heirof John Douglas Baxter prisoner in the John Douglas relieved. tolbuith of Edr be ane ordor from the Lord high constable and his deputts to pass at liberty without any receipt or further warrand to be given qranent this shall be ane sufficient exoneratioun to you Given att Edr the 9th day of May 1685 He alwayes satisfieing ye dewes of the house *Sic Sub Wil: Leith Clk of the Court Constabularie ffor the Keepers of his Matties prisone of the tolbuith of Edr*

[See next entry.]

May 11th 1685

John Duglas aforsd entered himself prisoner conforme to his band John Douglas entered. of caonrie given to the lord high Constable

[See May 14th.]

May 11th 1685

Cristane Gardinar wardit by ane order wnder the hand of my Lord Cristane Gardiner warded. Abbotshalls hand qrof the tenor followus

Cathrin Stirk Wpon frayday last being the eight instant I willed you to receave the persone of Cathrin Stirk wpon presumptione of hir haveing acces-sion of the escape of hir daughter Cristane Gardiner who hes confessed the fact of Adultrie & hir childs murdering & seing she is now tacken and heirby sent to you to be kept in sure firmance by you till hir farder tryell befor the Criminall judge & deliver 3:s: a day for hir intertainment which I shall see payed from the tyme of hir entrie & the judges determinaⁿe Maintyme at hir entrie thes shall be your warrant for releasing of hir mother without paying anything q^{ll} a grall accompt at qch tyme ye shall be satisfied for boath Receave back your receipt you sent of the entrie of the mother in lew q^rof send me ane receipt of the daughters entrie whose name is Cristan Gardiner and this is q^t is desyred by your affectionat freind

Sic Sub A Ramsay

for Mr John Vans & Arthur Wdney
M^{rs} of the Tolbuth of Edinburgh

May 12th 1685

Wm fforsythe's wife relieved. Sir be pleased to give ane ordor for liberating William fforsythes wyfe out of prisone ffor I am informed she is much wronged And Mr Trotter hes told me more of that affair then I knew before you need not take cautione Bot give ordor that she be not troubled w/out a particular warrand I intreat you dispatch this And I am your syrvant *Sic Sub J Hay* ffor Mr William Leith Clerk to the Earle of Errolls courtt

May 14th 1685

John Douglas relieved. Permitt John Douglas prisoner (by order from ye High constable his court) to pass at liberty He always satisfieing the deues of the house And this shall be your warrand sub^d this 14th of May 1685 yeirs by *Sic Sub Wil: Leith Clk* to the Court constabulary ffor the Keepers of the tolbuith of Edr

May 18th 1685

The personnes names who went to dunnotter are sett doun the 29 July

May 20th 1685

Mr Harie Fletcher warded. Mr Harie Fletcher broy^r german to the laird of Saltoune wardit by order of the privie Councill and brought heir by Captain Grahame

May 21st 1685

Alexander Johnstoune wardit q̄rof the tenor followis
 Captain Grahame

Alexr
Johnstoune
warded.

You are pñttlie to secure & macke prisoner in the Tolbuth of Edr
 the persone of Alex^r Johnstoune sone to the deceast Waristoune ther
 to remaine till farder order for which this shall be to you & the Keepers
 of the sd Tolbuth a sufficient warrant Given at Edinburgh this 21
 Maij 85

Sic Sub Perth Cancēll

May 25th 1685

My lord thes are desyring that ane partie be ordored to goe to Lord Neil
 blacknes to receave the persone of lo/ nill Campbell & transport him Campbell
 to Edr to the Tolbuth ȳrof & deliver him to the magistrats ther who
 are heirby ordored to keepe him close prisoner till farder order at
 Edr the 25 May 1685

Neil
Campbell
warded.

Sic Sub perth Cancēll

For his excilence the E: of
 dumbarton Commander in chiffe
 of his māties forces in Scotland

[See May 28th.]

May 20th 1685

Thomas Pittecnie ¹
John Gibsone ¹
Homer Gillisone ¹
John Whytthill ¹
James fferguison
James Stiven ¹
John fflimming ¹
James Muncie
John Perrsone
Allen Aitkine
James Napper ¹
John Scott ¹
Michell Smith
Robert Donald

Androw Coullen ¹
Robert Bryden ¹
Adam ffletcher ¹
John Hyslope
James Turnbull ¹
Simon nickell ¹
Robert Elliot
James Bryden ¹
James Biggar ¹
Patrick Jackson
James Dinn ¹
Androw M ^c arter
John Williamson
John Broune

37 persons
warded.

The prisoners returned back who wer bound for dunotter and who were tacken out of this prison are as folloous	Dumbar of Knokshinne
John Steuart in loog	Marcus Marchell
Androw Riddell ²	James hamiltoun
Robert Burnes	Balintyne of Craigmoor
	Anna Murray
	Niccolus Mcnought

All brought in heire by ane verball order from my Lo/ Balcarrase
and the Laird of Gossfoord from Bruntisland

[1. See May 28th. 2. See June 24th.]

May 26th 1685

John Campbell alias Beutie wardit the sd day & brought heir by
ane verball order of my lo/ Chanciler by a partie of Captain greahame
his suldiers

May 21st 1685

Al Durram,
Mr. Jas ffifie
& Mr Wm
Spence
warded.

Alex^r Durram of duntorvie wardit by verball order from his maties
privie Councill

Mr James ffifie ¹

Mr William Spence ¹ all three wardit by order of his māties privie
council

[1. See May 23rd.]

May 21st 1685

Receipt for
five persons.

Receaved from Arthur Vdney ane of the Masters of the Tolbuith of
Edr conforme to ane order the persones of James Glen George Baird
John Colquhone Johne Murray and William ffrazer As witnes my hand
day & date foirsaid

Sic Sub Tho Hamiltone

May 23rd 1685

Receipt for
six persons.

Receaved by me Luis Crichtoun Corporall to my Lord Drumlanrig
his Troupe the persones of Mr Alexander dumbar, Mr John Steuart,
Mr John Greig,¹ Mr. Petter Kidd ² Mr James ffifie and Mr William
Spence ³ and that conforme to ane ordor vnder ye hand of my sd Lord
drumlanrig of the date of thir pnts As witnes my hand day and
place foirsds

Sic Sub Leues Crichtoun

[1. M. of Carstairs. 2. M. of Carluke. 3. See June 6th.]

May 24th 1685

Receave into close and sure prisone the persone of Thomas Boyde Thomas
butcher yr be keeped & detained in closs prisone till fardar order and
warded.
you are not to fale heirin as you will be answerable for doeing qrof
this shall be your warrand given at Edr the 24 of Maij 1685 years

Sic Sub Wil Leith Clerk
of the court constabularij

May 24th 1685

Receave into prisone the persone of W^m Weir & detaine him sure W^m Weir
prisoner in your Tolbuth & suffer non to speike to him espacilay any
warded.
of neutoun Weirs freinds for qch this shall be yo^r warrand

Sic Sub Geo: MacKenzie

[Relieved June 17th, 'he enacting himselfe to ansyr when called.]

May 24th 1685

Ye shall allow John Campbell of Succoth liberty with a keeper Campbell of
to waite vpon the Earle of dumbartoun whenevir he shall requyre Succoth to
the same ffor which these shall be your warrand Given att Edr the E. of
24 day of May 1685
Sic Sub Geo M^cKenzie dumbartoun.

[See June 17th.]

May 28th 1685

Keepers of the Tolbuith of Edr permitt the beirer William Camp- W^m
bell to see Lord Neill Campbell in presence of a keeper for his privatt
bussines
Sic Sub Geo: M^cKenzie Campbell to
see Lo/ Neill
Campbell.

[See June 17th.]

May 28th 1685

His M^ties High Commissioner and lords of ye secreit Committie Homer
of his M^ties privie Councill doe heirby give ordor and warrand to the
Magistrats of Edr & Keepers of the tolbuith yr^of to sett at liberty
Homer Gillisone prisoner from Drumfries in regaird he hes suorne &
signed ye oath of alledgence and signed ye act assisting (asserting)
his M^ties Royall prerogatives and bound & enacted himselfe in ye
books of privie councill for his peiceable regular & orderlie living in
tyme comeing And that he shall frequent his parish church and
Gillisone relieved.

compeir befor ye Councill when called for vnder ye penalty of 500
 merks Scots in caice of failzie And also hes abjured the late traterous
 declaratione and suorne nevir to lift armes agst his Mātie nor his
 aūctie vpon any pretence q'tsomevir *Sic Sub Colin McKenzie*

May 28th 1685

James
Stevine
relieved.

His Māties High Commissioner and the Lords of ye secreit Com-
 mittie of the Lords of his Māties secreit councill doe heirby give ordor
 and warrand to ye Maḡits of Edr and Keepers of ye tolbuith ūrof to
 sett at liberty James Stevine prisoner from Neu port Glasgow in regaird
 he hath suorne & signed the oath of alledgence and asserted his Māties
 Loyall (Royal) prerogatives And abjured the late traterous declara-
 tion And suorne nevir to ryse in armes agst his Mātie or his aūctie
 And hes bound and enacted himselfe in ye books of privie Counsell
 that heirafter he shall live regularly & orderly and frequent his parosh
 church & compeir befor ye Counsell when called vnder the penalty
 ffyve Hundreth merks in caice of failzie *Sic Sub Colin McKenzie*

May 28th 1685

John
Whithill
relieved.

His Māties High Commissioner and the Lords of the secreit Com-
 mittie of the Lords of his Māties privie Council doe heirby give ordor
 & warrand to the Magistrats of Edr and Keepers of the Tolbuith ūrof
 to sett at liberty John Whithill prisoner from Glasgow in regaird he
 hath suorne & signed ye oath of alledgence and signed the act asserting
 his māties prerogatives Royall and bound and enacted himselfe in ye
 books of privie Council for his peaceable regular and orderly living
 in tyme comeing And that he shall frequent his parosh church &
 compeir befor ye councill when called for vnder ye penalty of ffyve
 hundred ūks Scots money in caice of failzie And also hes abjured
 the late traterous declaratione And suorne nevir to lift armes agst
 his mātie or his aūctie vpon any pretence q'tsomevir

Sic Sub Colin McKenzie

May 28th 1685

James Biggar
relieved.

His Māties High Commissioner and lords of the secreit Commity
 of his Maties privie Council doe heirby give ordor and warrand to
 the Magistrats of Edr and Keepers of the tolbuith ūrof To sett James
 Biggar in Aitrickfforest at liberty in regaird he hes suorne & signed
 the test & enacted himselfe in the books of privie Council that heirefter

he shall live regularly and orderly keep his parosh church & compeir when called for vnder ye penalty off ffyve hundred merks Scots in caice of failzie

Sic Sub Will: patersone

May 28th 1685

His Māesties high Commissioner and lords of the secreit Committie John ffeleeming of his Māties privie Councill doe heirby give ordor and warrand to the relieved. Magistrats of Edr and Keepers of the tolbuith yōf To sett at liberty John ffeleeming prisoner from Glasfoord in Clidsdaill in regaird he hath suorne & signed ye oath of alledgence And asserted his Māties Royall prerogatives and abjured the late traterous declaratioun and suorne nevir to ryse in armes agt his mātie nor his aūctie vpon any pretence q̄tsomevir And hes bound & inacted himselfe in ye books of privie Council that heirafter he shall live regularly & orderly & frequent his parosh church & compeir befor ye councill when called vnder ye penalty of ffyve hundred merks Scots money in caice of failzie

Sic Sub Colin McKenzie

May 28th 1685

His Majesties high Commissioner and lorde of the secreit Committie Thomas Petticrew of his Māties privie Council doe heirby give ordor and warrand to relieved. ye Magistrats of Edr and keepers of the tolbuith yōf to sett at liberty Thomas Petticrew in the Grein of Shetilstoun in regaird of his old age & sicknes being troubled with a paralitick desease And that he hes abjured the late traterous declaration And suorne that he shall never ryse in armes agt his Mātie or his aūctie And found caution acted in ye books of privie Council that heirafter he shall live peiceably and orderly & compeir when called for vnder ye penalty off Ane thousand pounds scots money in caice of failzie

Sic Sub Colin McKenzie

May 28th 1685

His Māties high Commissioner and the lords of the secreit Com- James dunne mity of his Māties privie Councill doe heirby give ordor and warrand & Simeon Niccoll to the Magrats of Edr & keepers of ye tolbuith yōf to sett at liberty relieved. James dunne and Simeon Niccoll prisoners in regaird they have suorne and signed the test And bound and inacted themselves in ye books of his Māties privie Councill for yr regular & ordorie living in tyme comeing And yt they shall keep yr parosh churches & compeir befor

the Councill to ansyr to anything can be layed to yr charges when called for ilk ane of them vnder the penalty of ffyve hundred merks Scots money in caice of failzie *Sic Sub Colin McKenzie*

May 28th 1685

John
Ballantyne
relieved.

His Māties high Commissioner and ye lords of privie counsell having considered ane addres made by John Ballantyne of Craigmuire formerly fyned by ye Councill in Tua Thousand merks scots & banished doe heirby give ordor and warrand to the Magistrats of Edr to sett the said John Ballantyne at liberty in regard he hath found sufficient caution for payment of the said fyne betuixt and the last day of junij nixt And inacted himselfe to remove off this Kingdome & nevir returne īrto w^tout ye King or ye councill's license And that betuixt and the first day of August nixt vnder ye foirds soume of Tua Thousand merks besyde what vther punishment the Councill shall think fitt to inflict on him in caice he contraveine *Sic Sub Will: Paterson*

May 28th 1685

John Gibbsone
relieved.

His Māties high Commissioner & lords of ye secreit Commyttee of his Māties privie Councill doe heirby give ordor & warrand to the Magistrats of Edr and Keeper of the Tolbuith īrof to sett at liberty John Gibbsone prisoner from Drumfreis in regaird he hath suorne & signed ye oath of alledgedence & signed ye act asserting his Māties prerogatives Royall And bound & inacted himselfe in ye books of privie councill for his peiceable regular & orderly living in tyme coming And yt he shall frequent his parosh church & compeir befor ye Councill qn called for vnder ye penalty of ffyve hundred merks scots in caice of failzie And also hes abjured the late traterous declaracione and suorne nevir to lift armes agt his Mātie nor his auctie vpon any pretence qtsomever *Sic Sub Colin McKenzie*

May 28th 1685

Jas Naper,
Jas & Rob^t
Bryden, Jas
Turnbull,
Adam
fletcher &
John Scott
relieved.

His Māties high Commissioner and the lords of the secreit Commyttee of his Māties privie counsell doe heirby give ordor and warrand to the Magistrats of Edr and Keepers of the tolbuith īrof to sett at liberty James Naper, James Bryden, Robert Bryden, James Turnbull, Adam fletcher and John Scott prisoners in regaird they have suorne the test And bound & inacted themselves in the books of his Māties

privie councill for yr regular & orderlie living in tyme comeing Keep
 yr parosh churches And compeir befor the Councill when called ilk
 ane of them vnder ye penalty of ffyve hundredth merks scots money
 in caice of failzie

Sic Sub Colin McKenzie

May 28th 1685

His Māties high Commissioner and lords of ye secreit Committie Andrew
 of his Māties privie Council doe heirby give ordor & warrand to the relieved.
 Magistrats of Edr and Keepers of the Tolbuith yrof to sett at liberty
 Andrew Coullen prisoner from Irland in regaird he hes suorne and
 signed ye oath of alledgedence and asserted his Māties Royall prerogatives
 & abjured ye late traterous declaration & suorne nevir to ryse in armes
 agt his Mātie nor his aūctie And hes bound and inacted himselfe in
 ye books of privie Council that heirafter he shall live regularly &
 orderly And frequent his parosh church And compeir befor ye
 Councill when called vnder ye penalty of ffyve Hundreth merks in
 caice of failzie

Sic Sub Colin McKenzie

June 4th 1685

James Steuart

Jas Stewart

John Muirhead both wardit and brought heir by [blank] Gordoune
 head warded.
 ensigne to Captain Grahame his companie belonging to the Toune of
 Edinburgh from Ingland

June 6th 1685

[Blank] Blactar doctor & Mr W^m Spence wardit by ane partie of [W^m] Blactar
 Captain Graham his companie & Mr W^m

[See next entry.] Spence
 warded.

June 9th 1685

You are heirby ordored to allow Mr Halbert Kennedy & Mr Robert Mr Halbert
 Lidderdale Regents in Edr to goe & converse with Mr William Blecater Kennedy &
 younger prisoner in his chamber w^tout keeper or any body else being Mr Ro^t
 present you in ye meanetyme taking care he doe not escape for which Lidderdale to
 thir pīts shall be your warrand Given vnder our hand at the palice see Mr W^m
 of Holyroodhouse the 9th of Junij 1685 Sic Sub Queensberrie Comr
 ffor the Keepers of ye tolbuith of Edr Blecater.

[See June 17th.]

June 15th 1685

Mr John
Menizie
warded.

Mr John Menizie wardit qrof the tenor followis

You are heirby ordored on sight heirof to secure the persone of Mr John Manizie of Cambo till farder order and for so doeing this shall be your warrand Given at his Māties palice of Holyroodhouse the 15 of Maij 1685

Sic Sub Perth Cancell

ffor Mr David Drummond

Shireff of the shyre of midlouthian

June 17th 1685

Campbell of
Succoth
relieved.

Thes are warranding you to permitt John Campbell of Suckach to pass out of prisone in respect of the satisfaction given by him to the secreit Commity This your warrand att Edr the tuelth day of Junij 1685 *Sic Sub Queensberrie Comr Tarbat Da falconar Geo: Mackenzie* ffor the Goodman of the tolbuith of Edinburgh

June 17th 1685

Mr David
Drummond
to speak with
Dr Blakater.

Thes are to warrand Mr David Drummond to speak alone with doctor Blakater your prisoner in your Tolbuith of Edr ffor which this shall be your warrand Edr 8 Junij 1685 The Keepers of the Tolbuith are heirby lykwayes ordored to give access to Mr David to goe to the sd doctor Blakater

Sic Sub Perth Cancell I.P.D.S.

[See later entry June 17th.]

June 17th 1685

Robert Blaw
relieved.

Masters of the Tolbuith of Edr you shall sett at liberty Mr Robert Blaw vpon sight heirof ffor which this shall be your warrand Given att Edr this tenth day of Junij 1685 yeares

Sic Sub Geo: M^eKenzie

[See June 30th.]

June 17th 1685

John Stewart
relieved.

Thes are giving ordor and warrand to the masters of the tolbuith of Edr to sett at liberty John Stewart in Largo furth of the said tolbuith in regaird he hath conforme[d] to ordor ffound sufficient

caution acted in the books of privie Councill to compeir when called
to ansyr to anything can be layed to his charge And that vnder
the penalty of ffyve Thousand merks scots money in caice of failzie

Sic Sub Will: Paterson

June 17th 1685

You are heirby ordored to allow Mr Halbert Kennedy Mr Robert Mr Halbert
Lidderdale Regents in Edr to goe to converse w^t Mr William Blakatter Kennedy &
your prisoner in his chamber w^tout keeper or any body else being Mr Robert
present you in the meane tyme taking caire he doe not escape ffor Lidderdale to
q^{lk} thir p^{nts} shall be your warrand converse with Mr Wm Given vnder our hand at the
Palice of Holyroodhouse the 9th day of Junij 1685 Blakatter.

Sic Sub Queensberrie Comr

To the Keepers of the tolbuith of Edr

[See next entry.]

June 17th 1685

I Major Androw Whyte lovetennent governor of the Castle of Dr W^m
Edr grant me to have receaved from James Camerone Clerk of the Blakatter
tolbuith of Edr the person of Doctor Williame Blakatter to be detained taken to
prisoner in the said Castle conforme to ane warrand direct be my Edinburgh
Lord high Chancellor to me yranent of the date the tuelth day of Castle.
Junij instant As witnes my hand att Edr castle the 17 junij 1685

Sic Sub A Whytt

[See June 20th.]

June 17th 1685

Keepers of the Tolbuith of Edr you shall allow the Countes of Lothiane liberty to see her brother Lord Neill Campbell in presence of a keeper only Countess of Lothian to see Lord Neill Campbell.

Sic Sub Geo: McKenzie

[See later entry June 17th.]

June 17th 1685

Receaved be me Captane Buckam Brickadier to his M^{ties} troup of Receipt for
Guaird the personnes of Mr Ralph Rodger,¹ Mr Williame Tillidaph,² five ministers.
Mr James Vrquhart, Mr George Meldrum, and Mr George Johnstoun³
prisoners within this tolbuith of Edr As witnes my hand the 23 day

of May 1685 Conforme to ane warrand vnder the Lord Livingstoun
his hand of the date of thir pñts *Sic Sub* George Buchame

[1. M. of Kilwinning and Glasgow Cathedral. 2. M. of Kilbirnie.
3. ? M. of Newbattle.]

June 17th 1685

Ronald
Mcallaster
relieved.

Sett the persone of Ronald Mcallaster at liberty in respect I have
gotten sufficient cautione to present him when he shall be called ffor,
ffor which this shall be your warrand The last of febry 1685

Sic Sub Geo: McKenzie

June 17th 1685

John
Campbell to
see Geo:
Mackenzie.

Keepers of the Tolbuith of Edr Permitt John Campbell Wrytter to
the Signett with ane keeper to come and speak to me anent Marie
McDonalds bussines whenevir he or her Ladyship desires And this
shall be your warrand *Sic Sub* Geo: McKenzie

June 17th 1685

Hay of Park
to visit his
daughter.

Keepers of the Tolbuith you may suffer John Hay off Park to goe
with a very sufficient guaird of a keeper and tua shouoldiours to see his
daughter who is dying *Sic Sub* Geo: McKenzie

[See next entry but one.]

June 17th 1685

Lord Neill
Campbell's
lady to stay
with him.

Keepers of the Tolbuith of Edr thes are allowing you to suffer
Lord Neill Campbell's Lady to stay in the roome with her Lord till
further order for which this shall be your warrand Edr 28 May 1685

Sic Sub Perth Canc^r

This order allows my Lady to goe out and in att her pleasyr
Sic Sub Geo: McKenzie

[See next entry but one.]

June 17th 1685

Hay of Park
to stay out.

Sir ye shall permitt the Laird of Park Hay to stay out till sex
a clock on tuesday the 16 day of Junij on his obligation to returne
vnder ye paine of a 1000 pound sterlinc Holyruedhous ye 15 June 1685

Sic Sub Tarbat

[See later entry June 17th.]

June 17th 1685

Thes are warranding you to permitt Lo: Neill Campbell to goe Lord Neill
out of prisone in respect of the satisfaction made be him to the secreit Campbell
Councill This your warrand Given att Edr the 12th of Junij 1685 relieved.
Sic Sub Queensberrie Com^r Tarbat Da Falconar Geo M^cKenzie

June 17th 1685

Keepers of the Tolbuith you are ordored be ye Councill to give a Alex^r
pairt of the chirrity of the tolbuith to Alexander Naesmith and Mathew Naesmith &
Hamiltoun Mat Hamilton to receive the charity of the Tolbuith.

June 17th 1685

Thes are allowing you to permitt the Laird of Park hay once every day to visit his daughter with ane guaird and to returne still againe to visit his
soe long as she continuues in danger of daith by her sicknes at Edr ye
12 of Junij 85 Sic Sub Queensberrie Da Falconar Geo: Mackenzie
ffor the Goodman of the Tolbuith The tyme alloued is for 3 hours
each day at most and 2 sholdiers And his band to return all that
tyme vnder ye paine of ane thousand pound sterling

Sic Sub Queensberrie Com^r Tarbat

June 20th 1685

Ladie Sophia Lindsay wardit by ane written order under the hand of Sir W^m Paterson the qrof the tenor follous Lady Sophia Lindsay
warded.

Halyroodhouse the tuentie june 1685

Magistrats of Edr and Masters of the Tolbuth thereof you are heirby
ordored to receave into your custodie as prisoner in the sd Tolbuith
the persone of Ladie Sophia Lindsay whome you are to keepe in close
prisone and to suffer non to speike to hir save hir servant maide
whome you are to keepe in prisone with hir till the Councill's farder
ordor And this shall be yor^r warrand And you are also heirby ordored
to provyde hir with the best & most convenient roome in yo^r prisone
for this effect Sic Sub Will Patersone

[See June 24th.]

June 20th 1685

Doctor William Blackter wardit & brought heir from the Castle Dr Blackter
of Edr by Sargen[t] Duglass warded.

June 23rd 1685

Mr John
Menzies
advocate
relieved.

The Lords of his Maties privie Council having considered the petition of Mr John Menzies Advocatt prisoner in the Tolbuith of Edr ffor alledged deserting the Kings Host and supplicatting for liberty doe heirby give order and warrand to the Magistrats of Edr and Keepers of the Tolbuith yrof to sett ye sd Mr John Menzies petitioner at liberty in regaird he hath found sufficient caution acted in the books of privie council to compeir when called to ansyr to any thing can be laid to his charge under ye penalty of ane thousand pound sterlinc money

Sic Sub Will: Paterson

June 24th 1685

Physicians
&c to see
Lady Sophia
Lindsay.

Keepers of the Tolbuith of Edr allow phisitians & Sr Alex^r MacKenzie to waitt on Lady Sophia Lindsay yr being still a keeper present

Sic Sub Geo: Mackenzie

[See entry June 25th.]

June 24th 1685

Andrew
Riddell
relieved.

Thes are giving ordor & warrand to ye Magistrats of Edr & Keepers of the Tolbuith yrof to sett Andrew Riddell prisoner at liberty

Sic Sub Will: Paterson

June 25th 1685

Lady Sophia
Lindsay
relieved.

You shall permitt Lady Sophia Lindsay to remove out of prison & to goe to her mothers lodging This your warrand

Sic Sub Perth Cancell:

June 26th 1685

John
Wobstar &
John
Urquhart
warded.

John Wobstar

John Urquhart wardit by ane wren order qrof the tenor folloues

Edr 12 June 85

fforasmuch as the lords of his maties privie Councill are informed that John Wobstar and John Urquhart merts in Aberdeen are prisoners yr as suspect of the horid & cruell murder of Alexander Simpson burges of the sd brugh Therfor and to the effect the sds two personnes may be legally tryed and (if found guiltie of the sd cryme) brought to condigne punishment conforme to the laues of the Kingdome the

Lords doe heirby require & command the magistrats of Aberdeen furthwt to deliver the persones of the sd John wobstar & John Urquhart to the shireff prin^{ll} of the shyre of Aberdeen or his deput who are heirby ordered furthwith saifly to convoy & deliver them to nixt shiriffe on the road to Edr and ordaines them so furth to be transported from shireffe to shireffe or yr deputs on the sd road untill they be delivered to the magistrats of Edr who are heirby ordored to receave keepe & detaine them in sure firmance within yr Tolbuith till farder order

Sic Sub Will: Paterson

June 30th 1685

Mr Robert Blaw wairded by ordor of his Maties Advocat whairof Robert Blaw
the tennor followes Thes are to authorize you to seiz Mr Robert warded.
Blaw who keeps ane disordorie schoole w^tin the liberty of Edr against
the act of Council of ye good toun and secure him till he find cautionie
to desist ffor which this shall be your warrand

Sic Sub Geo: Mackenzie

June 30th 1685

John Reid skipper in Leith wairded be ordor of Sir George This warrand
Mackenzie quhairof the tennor followes Thes are ordoring and re- should bein
quyreing Macers Messingers at armes officers or others to whom thes ye 16 day of
pnts shall come to search for and apprehend the person of John Reid booked upon
skipper in Leith and present him to the Keepers of the tolbuith of John Reid
Edr who are heirby requyred to keep him prisoner till he ffind sufficient warded.
caution under the penaltie of ane thousand merks Scots to ansy to
a lybell to be raised at my instance against him befor the privie Coun-
cill for his beatting and mortallie wou[n]ding of Malcome McCaulay
in Leith ffor doeing wheroft thes pnts shall be to any concerned a suffi-
cient warrand

Sic Sub Geo: Mackenzie

JOHN A. FAIRLEY.



SHELLEY IN EDINBURGH

IT is a singular fact that Shelley, born the son of a country gentleman of Sussex, educated at Eton and Oxford, and passing most of his days in the more moderate climate of the south of England and Italy, should have been induced twice within the brief compass of his life to make the journey of more than two days by coach to Edinburgh, the cold capital of the north. The poet whose ‘little round head’¹ was never more comfortable than when roasting before a blazing fire, and who wrote *The Cenci* on the roof of an Italian villa, under a blistering sun whose light and heat were ‘intolerable to every other’² person thereabouts—this poet could not have selected Edinburgh for reasons of climate. Why, then, did he go to Edinburgh?

By 1811 Shelley had fallen under the spell of Godwin’s teaching concerning the iniquity of the institution of marriage and the superiority of untrammelled love. Always eager to proselyte others, he undertook to convert his sisters and their schoolfellow, Harriet Westbrook, to his views. For a time Elizabeth Shelley promised well as a noviciate, but eventually proved a backslider. Harriet Westbrook’s championship of this and other radical doctrines imbibed from Shelley brought her into collision with the authorities of the school at Clapham Common, which she and the Shelley sisters were attending. Nor were

¹ Hogg, *Life of Percy Bysshe Shelley*, i. 77.

² Mary W. Shelley, Note on ‘The Cenci,’ in *Poetical Works of Percy Bysshe Shelley* (1839), ii. 275-6.

such unorthodox teachings more favourably received by Harriet's father, John Westbrook. Therefore Harriet, 'persecuted' (Shelleyan for *opposed*) by 'bigots' in school and home, must not remain within reach of her 'tormentors.' Fly with Shelley, her rescuing knight, she must; but how, and whither?

Shelley's Oxford friend, Hogg, had taken issue with his anti-marriage views, and as the result of an interchange of letters between the youths Shelley's citadel of Reason was somewhat shaken. 'The ties of love and honour' might be 'of sufficient strength to bind congenial souls,' but 'the arguments of impracticability, and . . . the disproportionate sacrifice which the female is called upon to make,'¹ won Shelley over to the observance of law on this point; and so, 'having agreed on a point of, in their eyes, so trifling importance,'² Harriet and he cast about for a clergyman to perform the rite which, as it seemed to them, had gained such unwarranted prestige from custom.

Now arose a difficulty. Neither bride nor groom was of legal age in England; they could not be married there. The laws of Ireland or Scotland might prove less strict. They would investigate at first hand. In the grey of an August dawn³ they took a hackney coach in London to the Bull and Mouth Tavern in Bull and Mouth Street, whence the northern mail coach would proceed via York and Berwick. Embarked on the mail that evening, they met a persuasive young Scottish advocate, who probably determined them to go to Edinburgh. Hogg says that this lawyer 'told them how to get married';⁴ and he may also have directed Shelley to a suite of large, comfortable ground-floor rooms kept by one William Cumming,

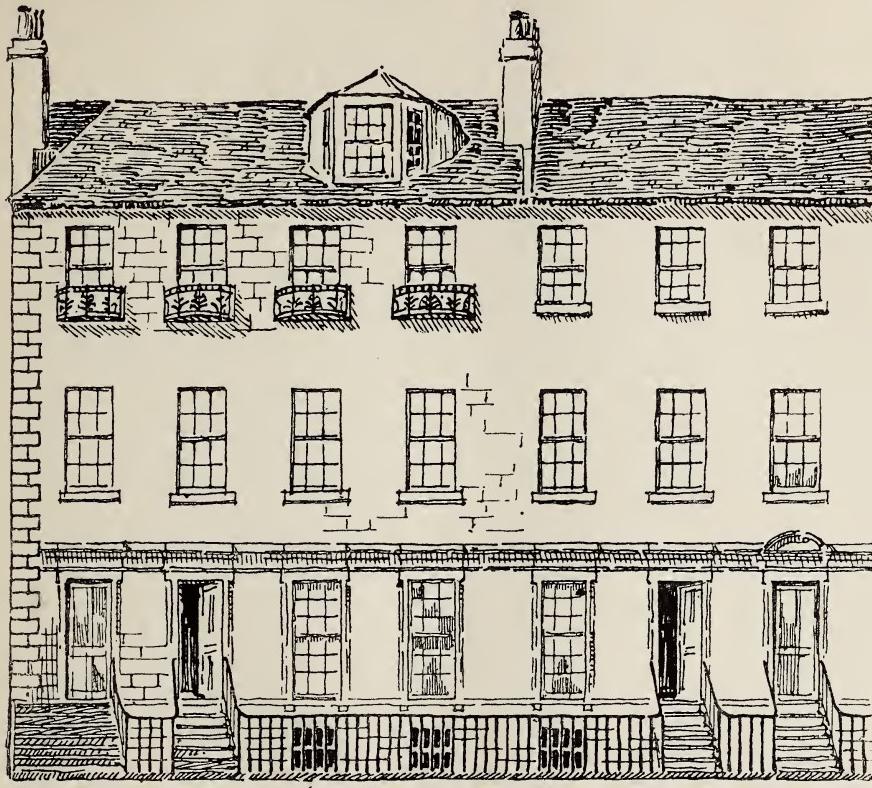
¹ Letter of Shelley to Hogg, from London, 15th August 1811, published by Hogg, *Life of Percy Bysshe Shelley*, i. 417-18.

² *St. Irvyne*, ch. xii.

³ Saturday, 24th August, or Sunday, 25th August. The exact date is not known.

⁴ Hogg, *Life of Percy Bysshe Shelley* i. 452.

hostler,¹ at 60 George Street. On this fine new street, commanding at its intersections unforgettable panoramas of the



Nº 60.

60 George Street as it was in Shelley's time.

city, sloping downward to the sea, they established themselves with such baggage as they had brought with them.

The house in which they tarried is still to be seen ; but its

¹ *The Post Office Annual Directory*, from Whitsunday 1811 to Whitsunday 1812 (Edinburgh, 1811), p. 61 : ‘Cumming, William, furnished lodgings, 60, George Street.’ The same directory for 1816-17, published in 1816, has this entry at p. 62 : ‘Cumming, William, furnished lodgings, 13, George Street.’ Shelley and Harriet arrived in Edinburgh on the morning of Tuesday, 27th August, or Wednesday morning, 28th August.

exterior has been altered by the addition of an extra storey and the conversion of Shelley's rooms into a shop;¹ and internal changes have been made in both the ground-floor suite and that on the first floor. In the latter case, however, the changes have not been so extensive but that one may, by making a survey of the rooms,² obtain a fairly accurate idea of what the rooms corresponding to them on the ground floor must have been like in Shelley's day. But though I was able to see both these suites when visiting Edinburgh in the summer of 1920, I was not so fortunate with respect to the suite on the second floor, which in 1811 was the top suite, and which Hogg occupied while he still held the full confidence and esteem of Shelley and Harriet. Hogg, who seems to have been a rather exacting person, found the lodgings 'good,' the charges 'reasonable,' the meals 'abundant' and 'excellent'³ at 60 George Street; but he complained of an inefficient servant, a hard mattress, and the echoing thunders of the hall and stairway. In view of the last annoyance, indeed, he decided that he had been fated 'to lodge with Jupiter Tonans at the top of Olympus.'⁴ The only annoyance Shelley suffered, apparently, was from the shrill voice of Christie, the maid; and, of course, as soon as Hogg and Harriet discovered this fact, they took a perverse delight in drawing the girl into conversation in Shelley's presence.

From the hostler's lodgings Shelley and Harriet probably proceeded to the house of the Reverend Joseph Robertson, then pastor of Leith Wynd Chapel, one of the smaller churches described as 'connected with the establishment'⁵ in Edinburgh. Robertson was living at this time at 225, The Canongate,⁶

¹ Now occupied by R. McDowell and Sons bakers and confectioners.

² Now occupied by I. Lusman, furrier.

³ Hogg, *Life of Percy Bysshe Shelley*, i. 440.

⁴ *Ibid.* i. 438.

⁵ Hew Scott, *Fasti Ecclesiae Scoticanae*. Edinburgh, MDCCCLXVI. Part i., p. 90.

⁶ *Post Office Annual Directory*, 1811, p. 213. The same directory for 1809-10, p. 210, gives Robertson's address as 'opposite St. John Street, Canongate.' (This might have been 225 Canongate.) The Directory for 1816-17, p. 223, gives another address



BIG JACK'S CLOSE

in the five-storey tenement at the side of which access may be had to Big Jack's Close. 'On the north side of the Canongate, opposite to St. John Street, a large and lofty stone tenement bears the name of Jack's Land, where the lovely Susannah, Countess of Eglinton, resided during her latter years, and was visited by Lady Jane Douglas, as appears in the evidence of the Douglas cause. The other tenants of its numerous flats were doubtless of corresponding importance in the social scale ; but its most eminent occupant was David Hume, who removed thither in 1753, while engaged in writing his *History of England*, and continued to reside at Jack's Land during the most important period of his literary career.'¹ 'Jack's Land' appears to have been the property at 225, The Canongate. If this is so, it was a curious chance indeed that brought the young devotee of Hume to be married in the house already connected with so important a work of that writer as the *History of England*.

One can imagine the ardent Shelley explaining his desires to Robertson, urging the necessity of an immediate marriage, and perhaps enforcing his demands by assurances of a generous *pourboire* for the none too scrupulous clergyman. Under the laws of the Scottish Church, no minister might marry a couple unless the bride had been resident in the parish or county for a period of six weeks preceding the event, and then only after due proclamation of banns in churches of the city on three successive Sabbaths.² But Shelley and Harriet had barely arrived in Edinburgh, and there had been no time for such repeated proclamation of banns. What was to be done ? Somehow, a certificate attesting six weeks' residence in Edinburgh by Harriet, and previous proclamation of banns 'in several churches in this city' was procured, bearing the signature of J[ohn] Fettes, District Session Clerk, and certified for Robertson : '13, Carrubber's Close.' He was residing in this street at the time of his arraignment and trial in the following year.

¹ *Memorials of Edinburgh in the Olden Time*, ii. 70.

² Act 8, Assembly 1784 ; and Act of Parliament, Charles II., 1661, chap. xxxiv.

by Patrick Murray, teacher, and William Cumming, hostler.¹ The ceremony of marriage was then performed by Robertson, and the certificate endorsed in his hand : ‘ The within designed Parties were married before Witnesses by me, Joseph Robertson, Minister.’ An entry recording the declaration of banns and Harriet’s six weeks’ residence was then made in practical duplicate of the certificate already described, in the small quarto record book of the session clerk of the City Parish, and this was certified by Cumming, Murray, and Shelley himself.² The entry in the record book is of August 1811, but does not fix the precise date. The original certificate is dated ‘ August 28, 1811.’ But in the allegation filed by Shelley in 1814,³ on the occasion of his remarriage with Harriet, ‘ the twenty-ninth day of August, one thousand eight hundred and eleven,’ is set down as the time at which the first ceremony was performed.

Perhaps (but the fact that the young Scottish advocate directed Shelley at once to Robertson, I think, indicates the contrary) this clandestine marriage was Robertson’s first offence. If so, it was not his last. For seven years later he was arraigned, tried by the High Court of Justiciary, and found guilty of having celebrated two other such marriages in the autumn of 1817. With an accomplice, he was banished from Scotland,⁴ and demitted and deposed by the Church.⁵

¹ Ingpen, *Shelley in England*, 1917, pp. 309-10. Fettes was the proprietor of a boot and shoe shop at 56 Leith Street in 1811.

² The document was first published by an anonymous writer in *Chambers’s Journal*, sixth series, vol. iii. p. 274.

³ Ingpen, *Shelley in England*, p. 422.

⁴ The original documents are in the archives of the High Court of Justiciary, where a running narrative of Robertson’s trial may be read in Journal E. 9, volume covering cases from 16th July 1817 to 15th June 1818. The pages of the Journal are not numbered, but the Robertson case begins at the page dated ‘ 2nd March 1818.’ An account of the trial appeared in the *Scotsman*, vol. ii., No. 61, p. 93 (Saturday, 21st March 1818), under the heading : ‘ High Court of Justiciary.’

⁵ *Fasti Ecclesiae Scoticanae*, Part 1., p. 90. In a new edition of Scott’s book (1915), the data on Robertson are more detailed.

Shelley seems to have had early misgivings as to the validity of their Scottish union. On 21st October 1811, he wrote to his kinsman, Thomas C. Medwin : ‘ In the course of three weeks or a month, I shall take the precaution of being remarried.’ Mr. W. M. Rossetti has stated that in August 1813, Shelley having attained his majority, ‘ his first act was to marry Harriet over again in an Episcopal chapel in Edinburgh.’ The information, Mr. Rossetti declared, came from ‘ an informant exceedingly unlikely to be mistaken.’¹ Yet no proof of such a marriage is forthcoming, and it is almost wholly discredited by the known remarriage, which, as a result of negotiations with money-lenders, and consideration of the effect which a faulty marriage ceremony might have upon the disposition of the Shelley estates, occurred on 24th March 1814, at St. George’s Church, Hanover Square, London.

What was the nature of the city in which they spent their honeymoon ? Baedeker’s statement that Edinburgh is ‘ the most romantically beautiful city in Europe,’ true as it is to-day, when the development of modern industry has introduced so much smoke and grime into the city as would set Ruskin weeping afresh to behold it, causes us to wonder how much more beautiful it must have been in Shelley’s day, when a great part of the district in which he and Harriet resided was yet but sparsely settled and offered easy escape for long walks into the open country northward to the Forth, or eastward to Salisbury Crags and Arthur’s Seat, or southward by way of the Meadows to the Blackford, the Braid, and the still more glorious Pentland Hills. Shelley, who had been passionately fond of cross-country walks in the quieter and less varied scenery of Oxfordshire, would have revelled in long tramps here ; and when not occupied with voluminous correspondence, or reading, or adventurings into the society of Edinburgh, must often have indulged this pleasure. Hogg’s evidence on this point is confusing. He barely finishes pro-

¹ Dowden, *Life of Percy Bysshe Shelley*, 1886, i. 393.

testing that Shelley would not join him in ‘pedestrian excursions from Edinburgh’ when he says that daily ‘after dinner, we all went forth together, to take as long a walk as could be brought within the compass of an afternoon.’¹ Probably he meant to say that Shelley (who did not wish to leave Harriet alone at this time) would not join him on one of those long rambles lasting several days, and covering several counties, which he digresses to describe in his *Life of Shelley* whenever the fancy strikes him, and whether Shelley happened to take the ramble or not.

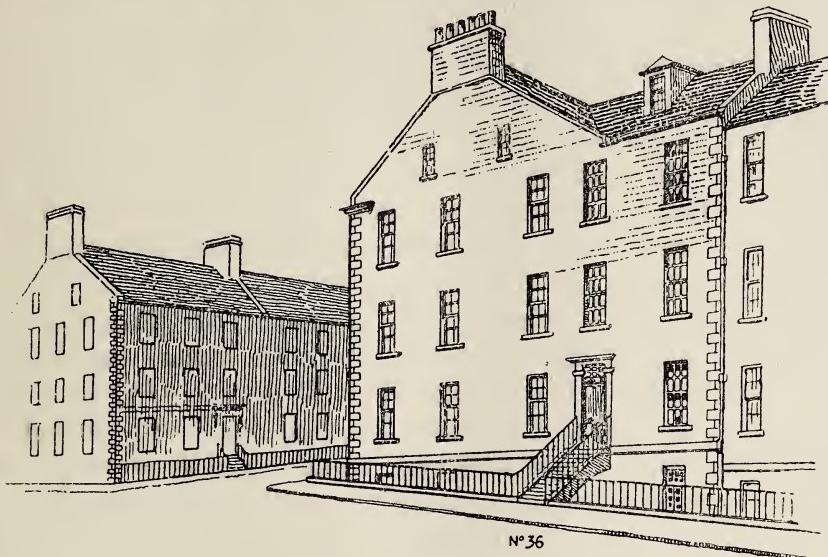
But to all the natural beauty of scenery in and about Edinburgh I fail to find one certain word of reference in the poetry of that period; nor have any later passages been definitely connected with sights seen on this occasion. This may at first seem strange; but a careful reading of his early novels and the later *Queen Mab*, to speak only of the first period of his authorship, will show that he was drawing more heavily upon descriptions of other writers, and upon imagined scenery, than upon his own first-hand impressions of travel. By the time *Alastor* and the *History of a Six Weeks' Tour* appeared, in 1816 and 1817 respectively, his method had altered; yet even in *Alastor* he owes no slight debt to Wordsworth and to Southey.

By the first of October, Hogg, who had joined bride and groom in Edinburgh at the beginning of the previous month, found it necessary to return to conveyancers’ chambers at York. Thither Shelley and Harriet accompanied him, the party travelling by post-chaise, and spending the first night at Belford, the second at Darlington, and arriving at York on the third day (probably 3rd October, on the evening of which day Shelley addressed a letter to his father from his new lodgings at York). Not until two years had passed over all their heads did Shelley and Harriet again see Edinburgh.

On this second visit Hogg was not of the party, but ‘the

¹ Hogg, *Life of Percy Bysshe Shelley*, i. 463-4.

laughing philosopher,' Thomas Love Peacock, had his place. This time the trip was made by Warwick and Keswick in the private coach which Shelley had purchased, a few months before, from a London coachmaker, for some five hundred pounds,¹ and which arrived in Edinburgh at length, about the middle of October 1813, in need of extensive repairs.² On



36 Frederick Street as it was in Shelley's time. A new building has been erected on the site.

From a drawing by T. P. Marwick, Esq., Architect.

reaching the Scottish capital again, I think it likely that the party proceeded first to their former address, but, failing to find suitable rooms with their old landlord, went around the corner of George Street to 36 Frederick Street, where an Alexander Laing³ provided them with lodgings. They had come to Edinburgh to gain peace of mind in remoteness from Shelley's numerous creditors. 'We think of remaining here

¹ Ingpen, *Shelley in England*, p. 638.

² *Ibid.*, 636-7.

³ *Post Office Directory* for 1812-13, p. 140; 1813-14, p. 144.

all this winter,' Harriet wrote Mrs. Nugent; and she praised Edinburgh by saying: 'This City is, I think, much the best. The people here are not so intolerant as they are in London. Literature stands on a higher footing here than anywhere else.'¹

As if in proof of Harriet's statement, there came to them a young Brazilian student named Baptista, who, encountering *Queen Mab*, which had just been published, was so moved by it that he determined to translate it into Portuguese. To this end he formed an acquaintanceship with Shelley; and even after Shelley withdrew from the city the two kept in touch with each other through letters. Later, they met again in London. But the translation begun with so much fervour of admiration was never finished; for Baptista was stricken with lung-disease, and died soon after.

Something—the bracing air, perhaps, of Edinburgh—seems to have spurred Shelley, on both visits, to almost incessant reading. Hogg relates how Shelley in 1811 brought 'lots of good books'² to their lodgings in George Street—books borrowed, Hogg believed, from a public library, for Shelley carried them away as soon as they were read, and returned with other volumes. Two years later, Shelley wrote to Hogg, from Edinburgh: 'I have for some time given myself to study'; and he then enumerated, among the authors he had recently read, Plutarch and Homer, Tacitus and Cicero, Laplace and Hume. Of Plutarch's two essays, *On Sarcophagi*, he says: 'I intend to comment upon them, and to reason in my preface concerning the Orphic and Pythagoric system of diet.'³ From this sentence we know that the *Refutation of Deism* was projected, and perhaps in part written, while Shelley was on the second visit to Edinburgh.

¹ *Letters from Harriet Shelley to Catherine Nugent*, 1889, p. 50.

² Hogg, *Life of Percy Bysshe Shelley*, i. 454.

³ *Ibid.*, ii. 482.

'A little more than two years has passed since I made my first visit here to be united to Mr. Shelley. To me they have been the happiest and longest years of my life.'¹ So wrote Harriet to Mrs. Nugent on the 20th October. Yet Jane, Lady Shelley, has recorded that 'Towards the close of 1813, estrangements, which for some time had been slowly growing between Mr. and Mrs. Shelley, came to a crisis.'² Did the rift in the lute make its appearance while they were in Edinburgh? Certainly Harriet's declarations (just quoted) are against the supposition that dissensions had arisen before 20th October; and a letter, postmarked 23rd November, to the same correspondent³ furnishes no hint of unhappiness. From this meagre but tangible evidence, it seems probable that prior to the return to London,⁴ which now became imperative because of the illness of Timothy Shelley, there had been no serious break between Shelley and Harriet; and that it was the fate of Edinburgh, from first to last, to bound the full cycle of their happiness.⁵

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¹ *Letters from Harriet Shelley to Catherine Nugent*, p. 49.

² *Shelley Memorials*, 1859, pp. 64-5.

³ *Letters from Harriet Shelley to Catherine Nugent*, pp. 51-3.

⁴ Probably in the private carriage which had carried them northward, and which John Dumbreck, the Edinburgh coachmaker, in the meantime had repaired, the Shelleys proceeded to London and reached the latter city on or before 10th December. Neither their route, nor the precise dates of their departure and arrival, are at present known.

⁵ I have not thought it necessary to enter into a discussion of Hogg's 'love' for Harriet Shelley, which (we learn from Shelley's letter to Miss Hitchener, 14th November 1811) was the sequel of his meeting Harriet at Edinburgh in September, and which ended in the disgraceful proposals made to Harriet in Shelley's absence, at York in October; for so long as the Shelleys and Hogg remained in Edinburgh, there was at least no open disclosure of Hogg's perfidy.

ON THE ANTECEDENTS OF THE COLLEGE OF JUSTICE

IT is remarkable that the complex and interesting development which brought the Court of Session into being, and led to the incorporation and endowment of the College of Justice under James v., has never received very serious attention. That is largely due, no doubt, to the fact that the greater portion of the material is still in MS., and might occupy a close student for many years. Thomas Thomson was the pioneer in this as in other departments ; but the work he did was not taken up by any successor, and historical effort was concentrated upon inquiries which seemed to have a prior claim.

The popular account of the matter appears to rest upon a statement by Sir George Mackenzie, who says in his *Institutions* that ‘the present model was fixed and established by King James the Fifth after the model of the Parliament of Paris.’ His observation, significantly ignored by Stair, was accepted by Erskine ; and it has dominated the narratives of the general historians. Even the author of a standard work on the practice of the Court committed himself to the proposition in an untenable form, and sought to elaborate it in detail.¹

Mackenzie’s statement had its origin, possibly, in the remarks of Mr. David Chalmer, an exiled Scottish judge, who wrote an historical compendium for the delectation of the French,² and recounted how James v. erected a court of Parliament sedentary at Edinburgh, begun previously in the time of

¹ *Transactions of the Franco-Scottish Soc.*, vol. i.

² *Histoire abrégée* (Paris, 1579), f. 206.

James IV. to administer justice after the fashion of the Parlement of Paris. In a subsequent tract Mr. Chalmer, who had gifts of imagination, conjectured that Aidan, King of Dalriada in the time of St. Columba, initiated the 'sessions' as they remained up to the reign of James IV. The latter king, he added, set up a body of councillors, half of them clerical and half laymen, with the chancellor at their head, empowered to judge without appeal, as were the councillors in the Parlement of Paris; James V., ratifying and confirming the erection, chose learned men and provided them with a reasonable sum for maintenance.¹ A comparison of the two accounts shows that Chalmer, who was personally acquainted with the work of the Session, did not represent James V., or even his father, as copying the Parlement of Paris. He drew attention to an analogy between two institutions which arose, to use modern language, out of differentiation of function in the *curia regis*.

The development which gave us the Court of Session is long and exceedingly complicated. It is matter for industrious inquiry by students qualified in both history and law. A matured account would have its proper place in a general treatise on the Court of Parliament, the relation of Parliament to other courts and councils, and the forms of summons and process observed in Scotland. We shall have to wait many years for anything of the kind. The investigation must be carried out in sections, along several lines of study, with final comparison and correction. The following paper is only a slight and tentative effort to indicate some of the problems and to present specimens of the material. It obviously leaves untouched many difficulties which await solution by specialists in law; and it attempts merely to show that the Court of Session was an institution which had an indigenous growth. No one will presume to deny the influence of French usage upon Scottish;² and there are those who suspect that the

¹ *La recherche des singularitez* (which follows the historical compendium), ff. 7-8.

² Cf. Dr. Neilson's introduction to *Acta Dom. Conc.*, vol. ii.

activity of the churchmen in civil affairs must have brought the Canon Law very powerfully to bear upon development. While we await the results of specialised inquiry, it may be interesting to have this bald and imperfect description of the stages by which the familiar institution grew.¹

THE SESSIONS OF JAMES I.

One of the first acts passed in Parliament by James I. upon his return from England related to the administration of justice. Officers throughout the realm should be men 'that can and may halde the law to the Kingis commonis' and persons of substance who might be fined for misconduct. If any were infest in jurisdictions which they could not exercise in person, they must make themselves responsible for competent deputies.² The act was reminiscent of an ordinance under David II. after his liberation in 1357;³ but in the case of James I. there seems to have been special embarrassment arising from a tendency to seek redress by direct resort to the Crown.

The first distinct indication of difficulty was the number of bills of complaint presented to Parliament. The problem was not new. In 1341 it was found necessary to appoint two auditors to hear and determine cases which had not been concluded;⁴ and the practice of appointing a commission of Parliament, which seems to have begun under David II., was doubtless connected with the amount of judicial business in the shape of civil causes coming up for decision. Now, in 1424, a solution was to be found by affirming the proper competence of the ordinaries. 'For divers caus belangand the common profyt of the realme' bills of complaint should be presented to the judges of the courts 'to quham thai pertene of law': the King should insist upon the impartial dispensa-

¹ The writer is indebted to Sir Philip Hamilton Grierson for valuable criticism.

² *Acts of Parl.*, ii. 3. Cf. Thomson's *Records of Scotland*, 141-2.

³ *Acts of Parl.*, i. 492.

⁴ *Ibid.*, 513.

tion of justice, and should provide advocates for the poor : any judge who refused ‘to do the law evinly’ would be rigorously punished by the Crown, to which the complainer might have recourse.¹ An exposition of the ‘divers caus’ would have been of inestimable value, especially in view of the Act of 1425 dealing with cases which might be ‘determinit befor the kingis consal.’ It may be presumed, however, that ‘consal’ is used in the most comprehensive sense, including council general of the estates, and council in Parliament. Of this interpretation the actual expedient adopted by James seems to be confirmatory. It was his own project, for which he obtained parliamentary consent. A special court, consisting of the Chancellor with ‘discret personis of the thre estatis’ nominated by the King, was to sit three times in the year and determine these causes. The terms were to begin on 30th September, the Monday after Ash Wednesday, and 25th June. Evidently the court was intended to visit various centres at the discretion of the King ; and he proposed to provide expenses from the unlaws and in ‘uthir ways’ unspecified.²

This scheme had the obvious advantage of combining clerical, baronial, and burgess experience ; and in this respect it was an extension of the practice in General Council and Parliament, where the committee on civil causes habitually included representatives of the three estates. But it was not a committee directly appointed by the estates with the obligation to report. The judges were to be ‘chosyn and depute be oure soverane lorde the King.’ How far the act was an admission that the attempt to bring the ordinaries into fuller play was inadvisable cannot be stated. Possibly it contemplated a relief of Parliament, but more directly the freeing of the King and his immediate councillors from a heavy burden in view of the persistent tendency to seek royal justice. Stated courts at convenient places in the south, the centre, and the

¹ *Acts of Parl.*, ii. 8.

² *Ibid.*, 11.

north would accelerate business in civil causes and would make the royal justice more readily available. Whether the judges were to be sworn we are not told ; but it is noticeable that in 1427 the auditorial committee in Parliament was compelled to take oath.¹

There seems to be no evidence to show what was the result of the King's plan or how far it was put into practice. An ordinance of council under James II. in 1438 provided for 'twa Sessionis yerly,' in autumn and spring, indicating that the court had at least acquired a technical name. The judges were to be chosen, in theory, by the Crown ; but instead of the Chancellor the Lieutenant was to act.² Again, however, information fails us.

In 1449 the enactment of James I. was renewed, with the single modification that the autumn term should not begin till after the Michaelmas sheriff-court.³ It is in 1456 that we have the first express reference to a difficulty which must have interfered with the success of these sessions. They involved a severe tax upon the time of members. A General Council in that year strongly urged the King to execute a plan whereby there should be during three months an assiduous court of auditors, to serve by three independent shifts. The judges were chosen, like the auditors of causes in Parliament or General Council, from each estate—three of the clergy, three of the barons, and three of the burgh commissioners. It was not possible for the auditorial committee in this General Council, which began in 19th October, to overtake all cases. The residue were to be continued to 8th November at Edinburgh ; and there appears to have been no technical difficulty in regard to summonses. After the dissolution of the General Council the sitting seems to have been conceived as a continuation of auditorial functions by representatives of the three estates ; the judges were styled 'auditouris' : like the parliamentary auditors they were required to take oath. The court, though

¹ *Acts of Parl.*, ii. 14.

² *Ibid.*, 32.

³ *Ibid.*, 34.

it began in Edinburgh, might pass at discretion to other centres.¹

In the following February we find it at Perth. Thomas Thomson describes a decree preserved in the Register of Scone as given *in Parlamento*: in reality the sentence seems to have been 'in public session' of these auditors in the tolbooth.² They are called 'our counsellors the auditors of causes and complaints . . . chosen by the three estates of our realm'; and the noticeable weakness of the burgess representation, with other indications, makes it almost certain that they were not the committee of a sitting Parliament. The fact that they are described as nominees of the estates, which conflicts with the statement that James I. selected the judges for the sessions, is not surprising. In 1456 the estates took the initiative in reviving a practice which was due originally to the personal action of the King.

The 'session' had now become a familiar though not as yet a permanent institution. James I. had conceived the idea, and had apparently chosen the judges from the three estates. At the present stage, in 1456, it was the estates in General Council, and more particularly the clergy, who recommended the Crown to develop the system and arranged for the monthly shifts. The Constable, an officer closely associated with formal assemblies, regarded 'the tyme of the sessione and generale consale and parliament' as an occasion for collecting perquisites.³ There was a distinct tendency to look upon the court as a committee depute by the King and the three estates, either in Parliament or in General Council, having power to determine without further reference to the constituent body.

The Parliament of 1457 proceeded along the same lines. It provided for 'lordis of the sessione' during the interval between this and the next Parliament. Aberdeen was to be

¹ *Acts of Parl.*, ii. 46.

² *Ibid.*, 77; cf. the parliamentary decree at p. 79.

³ *Ibid.*, 47, c. 10.

the centre for forty days during the summer of 1458 : Perth for a like period in autumn : Edinburgh in the following spring. Nine auditors were appointed in each case, three clergy, three barons, and three burgesses, with due regard to the convenience of their territorial proximity to the place of meeting. The local sheriff would attend to undertake any charges imposed upon him by the court. Yet this expedient for the ministration of civil justice had a distinctly temporary appearance. The lords were expected to act 'of thar awne benevolence,' except for a half share of the forty shillings unlaw, because it might be seven years before they had to serve again. Such a suggestion is almost incredible, if these sessions had been contemplated as regular and permanent.¹

Evidently the development of the sessions was connected closely with the growth of the action of spuilezie.² An act of Council in December 1438 provided for access to the Lieutenant and the three estates when the sheriff did not do his duty in cases of spoliation.³ In the spring came the ordinance for 'twa sessionis yerly,' to be held by the Lieutenant and 'the Kyngis chosyn consal.'⁴ In 1449 a re-statement of the act was accompanied by a re-iteration of James I.'s ordinance for a court consisting of the Chancellor and discreet persons of the three estates.⁵ Now, in 1457, the Parliament in arranging for 'sessions' to deal with all manner of civil actions not involving fee or heritage laid special emphasis upon complaints of spoliation. The lords of the session were to take up spuilezies done since 1st January 1449, the year in which the act anent spuilezie had been passed in Parliament ; but for twelve months they were to be accessible also to complaints of spoliations committed during the twelve or thirteen years between the Coronation (1437) and 1449. This was a practical admission that the ordinaries were unsatisfactory, and that there was need for a more effective administration of civil justice. The King

¹ *Acts of Parl.*, ii. 47-8.

² Cf. *Acta Dom. Conc.*, ii. lxxi.

³ *Acts of Parl.*, ii. 32.

⁴ *Ibid.*

⁵ *Ibid.*, 34; cf. 36, c. 7.

and his council were authorised to arrange for additional sessions up to the meeting of next Parliament.¹

Two important points emerge in this ordinance. Decrees of the lords were to be final, ‘but ony remeide of appellacione to the King or to the Parliament.’ In respect of the *induciae* pursuers were to raise peremptory summons out of the King’s chapel on forty days. There was an additional provision—not quite clearly expressed—relating to ‘accionis done befor the proclamacione of this sessione.’ In their case peremptory summons was possible upon fifteen days. What is most interesting to observe is that the session, while it does not supersede the ordinary judge, is accessible within its sphere of competence in the first instance and in point of finality is on a level with the King in Council or in Parliament. Both Parliament and General Council, as we have seen, were in the habit of appointing auditors of causes and complaints ;² James I. found it advisable to supplement this machinery by a bold extension of the auditorial system : his ‘discreet personis of the thre estatis,’ though appointed for a temporary purpose, were on the way to become a necessary institution, and were now, under James II., expressly invested with supreme powers. In 1460, according to the *Auchinleck Chronicle*, Parliament again ordained that sessions should be held. The expedient was still, however, of a temporary character, as may be seen by reference to enactments in 1464 and 1468.³

THE LORDS OF COUNCIL

The session ordained by the Parliament of 1468 is the last on record which followed the model initiated by James I. At this point there is a change, of which it is hard to determine the exact significance ; for it is intimately connected with the obscure development of parliamentary institutions and the

¹ *Acts of Parl.*, ii. 47-8.

² For appointment by Gen. Council v. *Acts of Parl.*, xii. 22 ; Fraser’s *Maxwells of Pollok*, i. 164.

³ *Acts of Parl.*, xiii. 31 ; ii. 92.

history of process. In October 1467 'al summondis and causis that is left undecidit in this parliament salbe decidit before the lordis of counsaile, the summondis standand as thai now do.'¹ The 'lordis of counsaile' were not the 'session,' since by the ordinance of 1468 vacancies on the two sessions of that year were to be filled by 'our soverain lord and his consale.' The transference of undetermined causes from Parliament to Council in 1467 has the air of being unusual, and no matter of course. The surviving records do not enable us to say how far the expedient of 'sessions' was designed to cope with the overflow of civil actions from Parliament and General Council, or whether the Council attendant on the King came much into play. It is clear that James I. intended to free himself and his immediate councillors : if their movements were not hampered, the litigants would be put to trouble and expense in following them ; and it may fairly be concluded that the 'sessions,' intermittent though they were, had at least arrested any tendency to resort to what we may style the Privy Council.

One thing at least is certain. From about the end of James II.'s reign, or the beginning of James III.'s, the mode of assembly known as *consilium generale*, which resembled Parliament in being a meeting of the three estates, tended to become more and more an enlarged Privy Council without the presence of the burgess element. It cannot be merely accidental that the last 'session' on the old model was ordained for November 1468, and that there was extant in the seventeenth century a volume of decreets which seems to have been the first of the *Acta Dominorum Concilii*, beginning in May 1469.² Sir Robert Spotswood, President in 1633, noted the fact that 'the Session was at this time ambulatory, following the court.'³

¹ *Acts of Parl.*, ii. 88. The Act of 1466 (85, c. 7), abridging to twenty-one days summons peremptory in all actions coming usually before the King and his Council, is probably of great importance.

² *Acta Dom. Conc.*, ii. xviii.

³ *Ibid.*, xcix.

There is additional evidence that the Council about the King was becoming a familiar resort for litigants. In 1466, so accustomed was the clerk to its activity, that in recording decrets of the lords auditors in Parliament he thrice writes 'lordis of consale' and as often corrects himself.¹ At this Parliament of 1466, too, a case was continued, to come on a fixed day before the King and his Council 'quhare it hapynnys his hienes to be for the tyme.' The clause often recurs, and indicates a difficulty which may have suggested the fixed local 'sessions' under James I. and James II. Continuation from Parliament to Council, as already observed, was not yet regarded as a matter of course: it is recorded that by consent of parties the Council was to have the full power of Parliament to decide the issue. So, too, in 1467 it was necessary to state that cases left by the parliamentary committee should be determined before the 'lordis of counsaile' without the issue of fresh summons.² Again, in 1471, when actions were continued to the day to which the house was adjourned, litigants were expressly permitted to 'tak new summondis til a schortar day befor the lordis of consaile.'³ This was a concession. The committee of auditors invariably continued cases to a day of Parliament, if there was commission to lords 'havand power,' and did not encourage application to the Council. In 1478 a suit involving a large sum of money was, on second thoughts, continued by them to the next Parliament.⁴

With the desuetude of the 'sessions' the standing Council about the King began anew to feel the burden of civil actions, and the old question of the ordinaries at once revived. In 1469 there was an article before the estates which was designed to relieve the pressure. A man must go to his ordinary and, if justice was done, 'remain content': if the judge refused to act or was 'partial,' he was entitled to bring the offender or the judge, as the case might be, before the King and Council.

¹ *Acta Dom. Aud.*, 3.

² *Acts of Parl.*, ii. 88.

³ *Acta Dom. Aud.*, 14.

⁴ *Ibid.*, 63.

The King might exercise his usual prerogative and hear a case, but that depended upon his grace.¹ In 1474, with reference to this enactment, complainers were bidden go before their judges ordinary ‘and vex nocth our soverane lorde nor his consale with na complayntis bot gif it be on officiaris that will nocth do justice.’²

Gradually the practice of continuing actions from the auditors in Parliament to the Council became familiar, and the clerk entered the date for the next hearing without specifying the court. At the close of a Parliament we sometimes find the court consisting of auditors and of ‘lordis of counsale’.³ In 1478 an action familiar to the Council came before the auditors and was continued back again, partly on the ground of this familiarity and partly because some of the auditors had ‘past thar way.’⁴

In continuing cases to the Council the parliamentary auditors had to name a date. Between 6th and 20th March 1478 they heard more than one hundred and thirty, of which forty were to come up again on 10th May; and the Council must either keep that day or disappoint litigants. The extreme pressure at this juncture led, as in the case of the ‘daily council’ in 1503, to duplication. Between 11th and 19th March 1478, auditors and Council sat concurrently. The whole situation pointed to adequate and stated sessions of Council as the next step in development. As yet the auditors could only appoint a date which might be convenient for the Council. There was no attempt to frame a ‘table’ or programme, so as to distribute the actions. A place was scarcely ever mentioned; and it went without saying that the court would be found where the King and his Council happened to be for the time. There is reason to suppose that parties were occasionally disappointed or at least put to trouble and ex-

¹ *Acts of Parl.*, ii. 94.

² *Ibid.*, 107; cf. 111.

³ Cf. *Acta Dom. Aud.*, 27-8, 34-5; *Acts of Parl.*, ii. 103, 106.

⁴ *Acta Dom. Aud.*, 65.

pense. The most serious evil, however, lay in the fact that no precautions seem to have been taken by James III., as they had been under his predecessors, to consult the convenience of litigants distant from Edinburgh. James was notoriously remiss in respect of the itinerant justice courts ;¹ and there appears to have been a similar failure of the council in respect of civil causes. The lapse of the old auditorial ‘sessions,’ which from time to time had visited Perth and Aberdeen, was accompanied by efforts to bring the ordinaries into play.² It is very significant that in 1487, at the end of the reign, direct resort to the council was narrowly restricted ; and that the act was almost immediately repealed on the ground that ‘it wer deferring of justice to mony partii.’³ If we could be certain that the poem at the end of the *Liber Pluscardensis* was inspired by the abuses under James III.—and there is much to be said for the supposition—we should have a pointed criticism of the conditions : a corrupt and inefficient council, chosen without regard to the estates : ignorance and partiality among the ordinaries : no articulated system or proper division of labour : delay of justice to the poor : neglect in execution : discontent in every class.

THE LORDS OF COUNCIL AND SESSION

The irregularity of parliamentary assemblies and the inadequate machinery afforded by the council about the King certainly caused expense and delay for litigants of inconsiderable influence. Legislative efforts to bring the ordinaries into fuller play were ineffectual as ever. The council had frequently to resort to a general continuation of causes ; and the speedy satisfaction of humbler applicants was not their first thought. It became customary, about this time, to except from general continuation actions of the King, of

¹ *Acts of Parl.*, ii. 111, 123, 165, 170, 176, 182, 208.

² *Ibid.*, 94, 107, 111.

³ *Ibid.*, 177, 183.

strangers, and of persons specially privileged by royal favour. The rest must await the convenience of the council.

The tendency to contamination between the parliamentary auditorial committee and the lords in attendance on the King appears in the first Parliament of James IV. It met on 6th October 1488; and on 17th October it was continued, or pro-rogued, to 14th January. The auditorial committee on civil causes was empowered by Parliament to sit till 26th October, and co-opt persons in place of any who departed. The personnel gradually altered, till the residuum of auditors was small and 'lords of council' predominated. On 27th October all actions had been decided; and it was intimated that hearing would be resumed on 14th January, the date to which Parliament was continued.¹ When the house reassembled, the usual committee of auditors was appointed; and members of that committee sat with 'lords of council' after the rest of the parliamentary business was concluded.

The Parliament which met on 3rd February 1489-90 marks an important epoch. There was to be a 'secret council,' for the forth-putting of the King's authority in the administration of justice.² This council of twenty-seven, including royal officers, was to be responsible to the King and to the three estates. Though there was a tacit reflection on the previous regime and an avowed determination to bring about reform, there is no sign of an intention to institute definite extra-parliamentary or special sessions for civil causes. The auditorial committee, with 'lords of council,' was to continue sitting for a week after the close of Parliament, with full powers.³ When the week lapsed, the sederunt on civil actions consisted of 'lords of council,' half of them members of the 'secret council,' including a few who had been parliamentary auditors, the rest neither privy councillors nor auditors. By the autumn it had been decided that regular 'sessions' of

¹ *Acts of Parl.*, ii. 211; *Acta Dom. Aud.*; *Acta Dom. Conc.*

² *Acts of Parl.*, ii. 220.

³ *Ibid.*, 223.

council were inevitable ; and we have a list of *domini sessionis communiter electi*.¹ There were sixteen, including the Chancellor ; and five did not belong to the ‘ secret council ’ appointed in spring. It was statute in the Parliament of May 1491 that the Chancellor ‘ with certain lordis of consale or ellis the lordis of sessioune ’ should sit during three terms,² to begin on the days named in 1425-6 under James I. The language apparently means that the ‘ lords of council ’ selected for the work are otherwise (*alias*) and specifically ‘ lords of session.’ They were not, however, chosen *from* or, it would seem, *by* the ‘ secret council.’ In the absence of full evidence it is impossible to verify the natural conjecture that they were named by a ‘ general council,’ a form of meeting which in this period had come to mean a privy council strongly reinforced by other lords rapidly summoned for special consultation. What is important to notice is that, whereas the ‘ sessions ’ initiated by James I. were representative of the three estates and modelled on the auditorial committee in Parliament, the ‘ lords of session ’ of James IV. approximate to the character of privy councillors and depart from the older model found in the parliamentary committee of auditors. The *domini sessionis* of 1490 were exclusively clergy and barons ; the burghs were now no longer represented.

Mr. David Chamber, or Chalmer, an ordinary lord of session after Mary’s return to Scotland, who is sometimes quoted in support of the statement that James V.’s foundation was modelled on the Parlement of Paris, is much nearer the truth than our modern writers. He specifies the reign of James IV. as the period in which the institution first took shape ;³ but he would have been justified in pointing out that the activity in civil causes of the council about the King, as witnessed by a register of decrets, can be traced back to

¹ *Acta Dom. Conc.*, i. 143.

² *Acts of Parl.*, ii. 226.

³ *Hist. abrégée* (Paris, 1579), f. 206. Cf. Introduction to Mackay’s *Practice of the Court of Session*.

1469,¹ and that the new development in 1490 was itself a stage in the evolution. The current view, which tends to regard James v. as an imitative creator, has been encouraged by the arbitrary titles given to the extant volumes of record, when they were bound in the nineteenth century. From 1478 to 1532 the books stand as *Acta Dominorum Concilii*: those which begin from the foundation of the College of Justice in the latter year and bifurcate somewhat confusedly into a *Register of the Privy Council* and a *Register of Acts and Decrees* are styled *Acta Dominorum Concilii et Sessionis*. The 'Lords of Council and Session' begin to act in 1490, and are the result of detailing a body of 'lords of council' to give their special attention to civil causes.

Though sessions of council had now been adopted as an expedient to deal with the administration of civil justice, there was still much indefiniteness and uncertainty. Parliaments continued to appoint a committee of auditors chosen in the time-honoured fashion from the three estates; and when the house rose there was the same tendency to employ a joint body of auditors and council shading off gradually into 'lords of council.' The old question came up for discussion. In view of the steady increase in the number of cases brought up, was it possible for the councillors about the King, or any section of them, to overtake the business? Should a fresh effort not be made to provide for efficient ordinaries? As one result we have the so-called 'Education Act' of 1496, to which much eloquence has been devoted without regard to its special significance. It provided that the heirs of barons and freeholders should be put to school and university in anticipation of their duties as judges, 'that the pure pepill suld have na neid to seik our soverane lordis principale auditouris for ilk small iniure.'² The act could have no immediate effect on the administration of justice; but it suggested a remedy for over-centralisation and congestion.

¹ *Acta Dom. Conc.*, ii. xcvi.

² *Acts of Parl.*, ii. 238.

The nature of the difficulty, which had been present to the mind of James I., becomes more apparent under James IV. There were comparatively few lords available for much varied business. On 13th February 1490-1 the council had to turn to affairs of exchequer: it expected diplomatic debates in Lent: its next 'session,' or fixed term for civil causes, was to begin on 3rd March; the justice-ayres would have to be postponed.¹ Parliament, called for April, had to be adjourned till May. A permanent order was scarcely attainable. The uncertain movements of the King, sudden digressions, and unforeseen preoccupations must have given cause for serious complaint.

It was in 1495 that James and his councillors set themselves to consider expedients, and produced regulations which were partly temporary, partly of the nature of acts of sederunt. James held that the confusion and delay, involving litigants in unnecessary expense, were due to the practice of summoning all to the council for the same day. A programme was to be drawn up, at the rate of eight cases *per diem*; and the clerks of Chancery and Signet were to attend, issue summons, and 'mak table.' When a 'session' had begun, no new summons could be issued, except for production of witnesses. Two special provisions indicated that the congestion was not altogether the fault of the council. If parties did not compear to pursue on the day appointed, the lords would proceed to accept protestations; and frivolous prosecutions were to be discouraged by a vigorous imposition of the statutory unlaws.²

Evidently the government had to deal with a nice problem. Resort to the council must not be too easy; discontent in the country, on the other hand, must be appeased. Some one suggested combining the civil activities of the council with the work that some of the lords were required to do in attendance on the justice-ayres. This was in a way to revive civil business at the ayres, which were now almost exclusively

¹ *Acta Dom. Conc.*, i. 169.

² *Ibid.*, 423.

concerned with criminal matters. Progress on circuit would bring justice within easy reach of people in remote districts : time would be saved : the council would be relieved. The opportunity to air grievances was eagerly seized. James was at Inverness on 5th February 1497-8, and continued civil actions to Elgin, with intimation that unfinished cases should be brought before him and his council while they were north of the Month. He had to be at Aberdeen on 3rd March, when some of the litigants were invited to attend the ayre at Dundee. At Bervie, on 5th March, a similar invitation was rendered inevitable by lack of time. At Cupar-Fife, on 2nd May, some northern actions were still unheard : they must come up at Stirling ; and at Stirling causes from part of the realm where 'sessionis and justice ayre' had been held were continued to Edinburgh, or where the King and council might chance to be, for a date in June.¹

By the time the council reached Edinburgh the situation was ridiculous. The lieges had already been put to 'laubour and travel,' and they could not be dragged round the ayres of the south. Notwithstanding the ordinance of a General Council initiating the unfortunate experiment, it was decided that the chancellor and lords of council should remain in the capital. 'For ese of his legis in tyme to cum,' and until he was further advised, James promised to arrange for 'sessions' at Aberdeen and Perth in due season, while he notified litigants in the south that they must come to Edinburgh.² By 18th July the lords had dealt with all actions raised before 8th June, and were free to appoint a 'session' at Perth for 4th October, a second at Aberdeen a month later, and a third at Edinburgh in the following January.³

This scheme, however, conflicted with the justice-ayres, and broke down in its turn. In September the parties who expected to be heard at Perth were postponed to January, and must come to Edinburgh : those of the north had to put

¹ *Acta Dom. Conc.*, ii. 101 ff.

² *Ibid.*, 210.

³ *Ibid.*, 283.

up with a delay of four, and finally six months, and the hardship of travelling to the capital or where the King and council happened to be.¹

It is unnecessary to pursue further the results of this haphazard system. The King, as the records show, strove hard to prevent the breakdown of civil justice. On 14th January 1502-3 a 'session general' was to open at Edinburgh.² On 27th March actions raised since the beginning of this session were continued to 12th June, 'becaus the Kingis hienes is sa gretly lauborit in his proper persone in til the materis of the sessione, and als the ald summondis may straitlye be ended betwix this and the feist of pasche that last was.'³ By 4th April hearings were concluded, and there could be a vacation. About the end of May, however, it was found that exchequer business would demand attention on 12th June, and people would be preparing for the marriage with Margaret Tudor. There could be no 'session' till November.⁴

After his wedding James set himself to arrange for this November session. The shires were grouped in five divisions, and the time of the court was mapped out so that all the cases might be heard before Christmas. The plan was inadequate. At the Parliament of March 1503-4, a 'daily council' was instituted as a new expedient to remedy the congestion.

THE DAILY COUNCIL

'It is avisit statute and concludit in this present parliament, becaus thair has bene greit confusioun of summondis at ilk sessioun sa that laser nor space at a tyme of the yeir mycht noct have bene had for the ending of thame, and tharthrou pure folkis has bene delayit and deferrit fra yeir to yeir throw the quhilk thay wantit justice, that tharfor for eschewing of the said confusioun thair be ane consale chosin be the kingis hienes quhilk sall sitt continually in Edinburgh or quhar the King makis residence or quhar it plesis him, to decide all maner of

¹ *Acta Dom. Conc.*, ii. 287, 330.

² *Ibid.*, 5th Jan. 1502-3.

³ *Ibid.*, 27th March 1503.

⁴ *Ibid.*, 30th May 1503.

summondis in civile materis complantis and caussis dayly as thai sall happen to occur, and sall have the samin power as the lordis of sessioun ; and quhen thai sall begin and in quhat place salbe notifyit to the pepill be oppin proclamatioun at the Kingis plesour.'¹

So runs the Act of Parliament ; and the historians, taking it at its face value, have developed the current myth that this ' daily council ' superseded the ' session ' of James IV. and was the civil court until 1532. It would have saved trouble and misapprehension if they had investigated the facts. The very same Parliament ordained that the ' session ' should continue its work on the basis of the county grouping instituted by James in the previous autumn, and the lords were named.² Beyond all doubt the ' daily council ' was a *supplementary* device, intended to relieve the ' session ' by overtaking some judicial business during vacation, serving the more remote districts as the King moved about, or actually coming to its aid in Edinburgh. Clear proof of this last function appears in the spring of 1504-5 ; for between 20th February and 3rd March there were days on which the ' lords of session ' and the ' King's council ' met independently and concurrently to hear civil causes. The minutes of ' session ' are in the hand of the usual clerk : those of the ' King's council,' at which James was always present, are also entered in the *Acta Dominorum Concilii*, but by a different writer. On two occasions, 25th and 28th February, Bishop Elphinstone seems to have been present for a time at both courts : apart from him the personnel in each case was distinct. The ' lords of council,' in fact, were acting in two divisions.³

In spite of these joint efforts, the sheriffdoms north of Perth and Forfar had to be postponed on 26th April to a meeting at Aberdeen a month later, and were eventually called to Edinburgh in July. James seems to have concentrated his attention upon accelerating the work of the ' session.' He

¹ *Acts of Parl.*, ii. 249.

² *Ibid.*, 248.

³ *Acta Dom. Conc.*, xvi. 104 ff., 122 ff.

was very frequently present in person. The nature of the record makes it difficult to determine whether the itinerant activity during the next few years was undertaken technically by the 'lords of session' on tour with the King or by the 'daily council.' On the whole the 'session of the lords' seems now to have been regarded as a function of council exercised in Edinburgh at more or less stated times. In 1508, for example, James and some of his lords were hearing causes at Jedburgh—possibly on the occasion of a justice-ayre; and an adjournment was ordered to Edinburgh for the 'session' before Yule.¹ Taking the minutes for 1507 and 1508, we find that procedure was as follows: 'session' at Edinburgh from 20th November to 20th December 1507, and from 7th January to 18th March, when there was adjournment to 20th July 1508: in the interval cases came up at Dundee, Edinburgh, Stirling, and again at Edinburgh: on 6th July the lords sat in exchequer; on 15th July the impending 'session' was continued to 6th November; but privileged actions crop up intermittently, and decrets were given in October at Wigton—just after the justice-ayre, as the surviving justiciary record shows. We shall not be far wrong in supposing that the 'daily council,' so ambitiously begun, dwindled into a somewhat uncertain convenience for litigants in the provinces, chiefly in connexion with the criminal circuits.

The supposition is strengthened by an ordinance of 22nd February 1508-9, when ample and definite terms of 'session' were prescribed: 15th April to 15th August, and 18th October to 1st March. This calendar, however, could not be observed. On 17th December 1509 the lords rose in the midst of Kincardine actions, and announced that the northern districts (always a great difficulty) would be served at the time of their justice-ayres. Distance and poor communications continually raised problems. The lords might assemble in Edinburgh, and find few litigants in attendance:² if they departed, there might

¹ *Acta Dom. Conc.*, 10th Dec. 1508.

² *Ibid.*, 5th June 1510.

be clamour. At one juncture James consented to proclaim a special 'session' for the disappointed, warning them that protestations would be accepted in the event of non-appearance, 'becaus it has bene oft continuitt and delayt of before.'¹

Up to this point, unfortunately, we have no descriptive document to give us a glimpse into the interior of the council-house when civil actions were being heard. Suddenly, however, in 1511 we come upon an ordinance made by James IV. in his desire to accelerate business, of such interest that it deserves to be quoted in full. It relates to the 'session' which is resuming operations at Edinburgh in July, after an interval of continuation. According to the arrangement by counties, cases from south of Forth are coming up, 'tabulit apon the tolbuith dure,' to be followed by actions from some northern shires.

'We do yow to wit that the Kingis grace with awis of his consale for gude reule to be kepit in consale hous and expedition of caus that cumis before thaim to be discussit, quhilkis ar gretly stoppit and hinderit throu multitud of peple that cumis in the consale hous makand gret noys and misreule, has devisit and ordanit for al tyme to cum that this reule be kepit, that is to say : at the entre of my lord chancelar or president for the tyme, that name entir in the consale hous bot thaim that ar apon the consale or thaim that beis commandit be my lord chancelar or president ; and eftir thar entre that the masar stand in the consale hous dur, haldand it oppyn, and that na man entir thar quhile the said masar schew that sic a man is thar and bring him answer thar apon ; and gif ony man cumis in without licens or agane the masaris vil that he dois in the contrar, sal pas and entir his person incontinent in ward in the castall and thair remane for his contemption quhill he be lousit be the Kingis graic ; and giff the said masar lattis ony entir bot command of the lordis, that he sall incur the samyn ; and quhen ony parteis enteris to pley, that the principale party and thar advocat sale entir with thaim without ony ma personis bot giff thai optene licens to a frend or twa to entir with thaim to gif

¹ *Acta Dom. Conc.*, 17th Feb. 1510-11.

thaim consale in thar materis, and that eftir thar entres befor the lordis. Quharfor the Kingis grac and his consale chargis all and sindri liegis and subditis quham it efferis that name cum in the contrar of this ordinance undir the said pane of uardnis forsaid.¹

James iv. never succeeded in putting the administration of civil justice on a satisfactory footing. To the end of his reign the lords were struggling ineffectually with persistent arrears. It was almost impossible to maintain adequate 'sessions' with the men who were available or the time at disposal. The extant justiciary record for this period,² upon which Pitcairn drew in compiling his *Criminal Trials*, relates only to the south of Forth ; but with the aid of the *Treasurer's Accounts* we gain some conception of the very considerable time which the justice-ayres occupied during the year. James iv. held these courts with diligence, in contrast to his father, under whom their desuetude was a scandal. The plan of taking civil actions at the time and place of the ayres was obviously convenient, because officers and others necessary to both courts could not be in two places at once. The government, unable to provide for adequate 'sessions' in Edinburgh, oscillated between a centralised court and the itinerant system. It is significant that after the losses at Flodden it was needful, in order to maintain a standing council, that some criminal work appropriate to the justice-ayres should be devolved temporarily upon sheriffs and stewards.³ Besides the ayres there was the exchequer. The 'lords of session,' too, though chosen specially for a particular function, were none the less—perhaps owing to their comparative assiduity even so much the more—also 'lords of council,' and liable to be diverted suddenly to affairs of state. After the endowment of the Session in 1532 as a separate court, we find James v.

¹ *Acta Dom. Conc.*, 23rd July 1511.

² The original is with the Clerk of Justiciary : two transcripts collated by Thomas Thomson are in the Register House and the Advocates' Library respectively.

³ *Acta Dom. Conc.*, 31st May 1514.

continuing for convenience to use the senators as 'lords of council' in business which had no connexion with their special commission.

AFTER FLODDEN

The death of James IV., losses in the field, and the parlous state of Scotland, arrested a process of differentiation begun by the practice of naming 'lords of council' who were also to be 'lords of session.' Had it not been for Flodden and its consequences we should doubtless have had independent registers of Privy Council and of Session before the reign of Mary. The editor of the suppressed volume of *Parliamentary Records* (1804) found so many affairs of state treated in the *Acta Dominorum Concilii* for the period after 1513 that he printed a section of the register under the misapprehension that the proceedings were parliamentary. Thomas Thomson, who intervened, decided to print in his folio *Acts of Parliament* nothing but what was parliamentary,¹ and to extract from the *Acta Dominorum* such matter as was of a privy council character, to be published by way of introduction to the independent *Register of the Privy Council*, which opened in 1545, leaving aside the decreets in civil causes as matter related to the activity of the lords in 'session.' This policy was a logical anticipation of the results which were to follow from the growing differentiation of function which we have been observing in the council. Unfortunately the supplementary volume never came. Joseph Robertson, who was responsible for the publication of the *Register of the Privy Council*, now so far advanced, began with the independent register of 1545; and to this day some of the most important material relating to the reign of James V. remains in MS., neglected by Scottish and, as is natural, by English historians.

¹ By an almost inexplicable oversight he introduced as the first document under James V. an act of General Council taken without comment from the *Acta Dominorum Concilii*.

The *Acta Dominorum Concilii* after Flodden, therefore, must be clearly understood to contain mixed matter. Under James iv. the minutes are almost exclusively devoted to recording decreets in civil causes and business relating to this branch of activity. What happened to the record of proceedings in affairs of state is a puzzle which need not at present detain us. The point of importance now is the arrest, as we have seen, of the differentiating process and the marked shrinkage of the capacity to deal independently with two distinct classes of business. The council was in fact so much taken up by public affairs that civil justice suffered. On 9th January 1513-14 a 'session' had been appointed; but the lords were occupied with 'greit materis concerning the gude of the realme' and 'micht nocht vaik tharapone.'¹ The whole burden of affairs fell on a sadly diminished company. On 25th February the indefatigable chancellor, Archbishop James Betoun, announced to the lords who threatened to depart that he, for one, would remain.

It is no accident that the lords who were chosen on the arrival of the regent Albany, and who almost immediately began a 'session,' were described as *electi ad consilium*.² Their duties in the decision of civil actions were subordinated to acrimonious discussion about the vacant sees and other questions of state. When Albany departed for France in the summer of 1517, he appointed seven vice-regents, who were sworn to minister justice. These men proceeded almost at once to issue a proclamation relating to civil causes. In the interest of persons 'abiding lang apon calling of thair summondis in the cessionoun,' and to avoid confusion 'throw multitude of pepill concurring all at anis'—an evil which we saw that James iv. sought to remedy—the realm was to be quartered for separate diets. The south-east, including

¹ *Acta Dom. Conc.*, 12th Jan.

² *Ibid.*, 31st May, 4th June 1515. On 23rd June the regent and council ordained that only notaries deputed by the clerk-register might be admitted before the lords.

Linlithgow as well as Edinburgh, would be taken between 22nd June and 12th July : the south-west, with Stirling, from 13th July : to be followed by the central shires and, after an interval between 20th August and 30th September, the northern, which would occupy the first three weeks of October. The pursuer was to keep the diet of the defender, or of the principal and first-named defender. The 'tabler,' arranging all the cases in his book on this plan, was to inform the lords, so that they might prorogue a diet and adjust subsequent proceedings to the alteration. He was not to accept a fresh case after the third day of any diet.¹

The scheme was no more successful than its predecessors. Civil commotions no doubt contributed to its failure. The lords announced that they were always prepared to hear 'privileged' suits;² but on 22nd February 1517-18 it was admitted that civil justice had been delayed since the regent's departure ; and it was suggested that Parliament should appoint lords to remain after the dissolution. The chancellor and lords 'chosin for the sessioun' proposed to stay in town and hear actions, sitting from eight till eleven in the forenoon and from two to four in the afternoon, and following the arrangement by diets. Arran's expedition to the Merse after the murder of La Bastie intervened to cause fresh obstruction.³ Indeed, the exigencies of state and unforeseen accidents constantly interrupted systematic procedure. In 1519, for instance, the court adjourned owing to the demand of exchequer, which might not 'gudely stand with the sessioun,' and because of a threatened outbreak of pestilence in Edinburgh and Leith.⁴

Though the 'table' or order of hearing had been in operation for some years, neither the lords nor the parties were

¹ *Acta Dom. Conc.*, 20th June 1517.

² These are detailed (31st July) as (1) of the crown, (2) of strangers, (3) anent retreating of process, (4) recent spuylzies, (5) entries to superiority or property of lands.

³ *Acta Dom. Conc.*, 1st March 1517-18.

⁴ *Ibid.*, 20th June 1519.

punctilioius in observing it. In 1522 the 'lords of council and session' insisted upon regularity. They assigned various classes of actions to particular days of the week. Monday, Tuesday, and Thursday were appropriated to the 'privileged table':¹ Wednesday to the King's business: Friday and Saturday to the 'common table.' Cases continued to next 'session' must be entered in the programme; but if continuation were 'within the tyme of the sett of the sessioun' no tabling was necessary.²

SPECIALISATION OF FUNCTION

In 1524, when Albany ceased to be governor, there is no sign of any body of men who are to be 'of council' with special regard to work on the 'session.' We have a list of twenty-eight, prelates, earls, barons, lesser clergy and officers, who have been selected to sit on the 'session' and upon 'all matters of counsel' concerning the King.³ But in February 1525-6 certain persons are chosen to reinforce the secret council for an impending session—four or five ecclesiastics who are evidently men of law, and four barons, one or two at least with qualifications for the work.

'The lordis has chosin thir persouns undir writin to be adjonit with the lordis of the secrete counsale and ministeris of court to sitt apoun this nixt sessioun: that is to say the abbot of Cambuskyneth, [the dene of Glasgow *de mandato cancellarii*],⁴ the officiale of Sanctandrois, the officiale of Abirdene, and the officiale of Dunblane for the spirituale estaite, and for the temporall estaite the lord Erskin, the lord Hay of Yestir, the lard of Balwery, and the lard of Keir; and to begin the xix. day of this instant moneth of Februarii.'

'The lordis ordainis that lettres be writin direct to requir, command, and charge thir persouns undir writin, makand mentioun that for-samekle as thai ar be the lordis of counsale chosin to cum and remane

¹ On 25th Aug. 1526, Wednesday and Friday were assigned for these suits (*Acta Dom. Conc.*). ² *Ibid.*, 7th Nov. 1522.

³ *Ibid.*, 15th Sept. 1524.

⁴ In margin.

apoun this nixt sessioune for the administratioun of justice civilie and commounlie to all our soverane lordis liegis, and therfor that thai be requirit and chargit to cum to Edinburgh the xviii. day of this instant moneth of Februare to the samin effect : that is to say [*here follow the names as above*] : the quhiliks persouns ar divisit to be adjonit to sitt continualie apoun the sessioune with the lordis of the secrete counsale and ministeris of court.'¹

It is not to be supposed that this composite body, or even the greater part of it, sat regularly for civil causes. The court was sometimes very near debility. Important affairs brought out a larger attendance ; but occasionally the sederunt was considered inadequate. Thus on 12th December 1526 the King writes desiring the continuation of a certain case because it ' is gret and wichty and requiris ane gret sete of our lordis.'²

Demands for a more assiduous court were now becoming insistent. In January 1526-7 the 'session' had to be adjourned till 11th March ; and the only concession offered to litigants was that cases specially excepted from the continuation would be taken 'with the aris as tyme of sessioune.'³ An important document, presented on 13th March, tacitly admitted dissatisfaction with the prevailing system.

'The Kingis henes, haiffing consideration that justice and administration theroff is the principale uphold and sustentation of his grace realme and liegis, without quhilk tha ma na wis⁴ stand lange in gud stait, ordanis the cessione apon civille caus quhilk was laitly continuit to the xi. day of Marche now to sit and proceid and minister justice to his liegis in maner as efter followis, and be the lordis or otheris personis of his consell undir writin.

'In the first, his grace ordanis the archbischop of Glasgow to be president, and in his absence the bischop of Dunkeld, and in baith ther absence the bischop of Galloway.

'Item, his henes ordanis thir lordis and personis for the tyme of this cession to be jugis and daily sit for administration of justice.'

[*For the spiritual estate*—Archbishop of Glasgow : Bishops of Dunkeld and Galloway : Abbots of Holyrood, Scone, Kelso : Lord

¹ *Acta Dom. Conc.*, 12th Feb. 1525-6.

³ *Ibid.*, 7th Jan. 1526-7.

² *Acta Dom. Conc.*

⁴ i.e. 'they may nowise.'

St. John : Abbots of Cambuskenneth and Crosraguel : Provost of Trinity College : Official of Lothian : Master Henry Quhite, Official of Dunblane : Dean of Restalrig : Master George Ker.

[*For the temporal estate*—Earls of Angus, Arran, Eglinton, Cassillis, Rothes : Lords Erskine and Fleming : Archibald Douglas, Treasurer : Secretary : Comptroller : Laird of Balwery : Master Adam Otterburn, King's Advocate : Nicol Craufurd, Justice Clerk : Master James Lawson : Master Francis Bothwell.]

‘ Item, his henes ordanis that thir lordis and personis of his conseille tak consideration of the materis and civille causis now dependent and ondir summondis, and as tha think caus mak ane table of thaim and put thaim in sic ordour that ther be na cummyrsum besines, truble, nor inoportunite in the calling¹ of tham, providing that the thesaurer and his advocat¹ have thair dais kepit oukly for the materis concernyng his grace, and actiones of recent spulze and retreting of letteris be alsua ordorit be the president for the tym to be callit with sic diligens at the persewaris be nocht postponit lang tym nor hurt.

‘ Item, his grace will and ordanis that forsamekill as greit multitude of pepill being in the conseill hous be inoportone solistation and crying giffes greit impediment to the lordis in proceding apon caus, that therfor the maseris keip the conseill hous dur in sic wis that na personis cum therin excep the jugis, partiis and ther advocatis, without that men of gud cummyng to the dur be ordanit to have entres be licens of the president.

‘ Item, anent the archbisshop of Sanctandrois, the bischop of Abirdeen, the erle of Argill, and sum otheris that now ar absent be licence of his grace and for ther neidfull besynes and gud erandis, his henes will quhen tha returne agane at tha be in the nowmer of the cession as tha wer wont to be.

‘ Alsua his hienes promittis that he sall giff na lettres to stop justice bot to furder justice alwaist ; and gif ony personis be inoportune solistatioun gettis ony sik lettres subscrivit, his will at tha haif na place and at the lordis obey nocht to thaim and thai be to stop or hynder justice.

‘ JAMES REX.’²

This document is followed by a letter of some interest. In the previous summer Parliament had declared that James,

¹ i.e. the King's Advocate.

² *Acta Dom. Conc.*, 13th March 1526-7.

now aged fourteen, should have his authority royal in his own hands. He was himself immediately exposed to 'inopportune solicitation'; and it is apparent that his counsellors thought it necessary to make a stand. He was no doubt told that he must not interfere arbitrarily with the action of the session. Very probably his youth and inexperience, just when the functions of council in civil causes were being found to require the establishment of an assiduous and specialised court, fostered a corporate and professional spirit already engendered during a long minority, and soon to be exhibited in the contention of council that new members should be approved before admission.

'Lordis of counsale, we are informit ther is divers our writingis present before yow in hindering of justice and agane our mynd send yow in writh be our secretar this last Wednesday the xiii. day of Marche. It is our will and we charge yow that ye admitt na sic writtingis of ouris to stop justice, but use yow in all thingis conforme till our mynd send yow in writh the said xiii. day, nocht notwithstanding ony uthir charge of us gevin or to be gevin be sinistre informatioun in the contrar, of quhat daite that evir it be, bot gif we send the said charge or writ with our secretar to schaw yow sic resonable causis as sall muf us therto for the tyme and be your avis. Subscrivit with our hand at Edinburgh the xiiii. day of Marche.'

In the summer of 1528 Angus, who had been chancellor for about a year, gave place to Gavin Dunbar, Archbishop of Glasgow, formerly the King's preceptor and one of the men destined to be closely associated with the project of a College of Justice. In November James approved a list of twenty-one persons 'to remane continualy apon the session' and 'to vaik apon the chancelar daily.'¹ It is in November or December, probably, that we ought to place an undated royal letter of great importance.²

'Chansler and lordis of cessione, we are advertist that multitud of

¹ *Acta Dom. Conc.*, 15th Nov. 1528.

² It was placed in 1527 by Thomas Thomson: now it is filed as an isolated paper with Royal Letters (Court of Session) and wrongly attributed to a date after 1532.

pepille and greit pres in the counsell hous is greit impediment to yow in ministratioun off justice : quharfor it is our will and we charge yow that ye keip this forme and ordour in mynistratioun of justice and reuling of the conselle hous as eftyr followis in articlis.

' In the first, ye sall gar writ in a table with greit letteris the namis of tham that we subscrivit to be on the cession, charging tham to await therapon, and at all otheris lordis and other men knaw thaim selffe and ingeir¹ tham nocth to the thing at tha ar nocth chosyne to, and affix this table on the conselhous dur to be seyn with every man at cummis thereto.

' Item, at the chansler and lordis of the cession quhen tha cum to the consell hous dur that tha entir tham selff and leif all ther servandis and familiaris behynd tham, and at the dur stand oppin and ane maser therat to wait apon it, and at na persouns bot the consell entir in the hous without licence askit be the maser at the lordis ; and quhen ony persone enteris sa be licence, at the lordis heir his erand and that beand done deliver hym furth agane ; and giff ony mane enteris but licence, at he be send to the castell to ward.

' Item, tuiching billis of complaint, that every man at has ane bill cum and giff it to the chansler, president, or clerk of register, or to the maser at kepis the dur, befor or the lordis entir in the consell hous : les na it be that sum greit man of good have ane bill to present, quhilk man of gud cumand to the dur askand licence be the maser to cum in and present his bille, at he have licence : quhilk being grantit, at the lordis deliver the bill and speid that man of gud his way furth agane, sa that sic incuming fill nocth the hous and mak new disordour.

' Item, at ye gar incontinent mak proclamation that all personis at hes summondis of recent spulzeis or retreting of letteris cum and gif thaim to the tabillar to be put in a table be thaim selff, at tha ma be callit be ordour without pres or cummersom besynes ; and that ordour to be kepit now and in all tyme to cum.

' Item, anent certane materis that ar now dependent and hes bene in the law amang partiis, that tha be put in a table be tham selff to be callit be gud ordour, als mony of thaim as ma be speid befor sancthommas evin,² and the laiff to be contewnit³ to sic dais and tymis as the lordis thinkis expedient, and all the laif to the cession to be callit than be ordour of table, baith privilegit summondis and otheris, excep tham

¹ Cf. French *ingérer*, thrust in.

² 20th Dec.

³ Sc. 'continued.'

at ar comonly ay exceppit in all generall continuation, that is to say our proper actiones, actiones of strangearis, recent spulzeis and retreting of lettres.

‘ Item, quhen ony summondis beis callit, at the partiis entir with ther forspekkaris, tua personis at the maist with ilk party, sa that na man be sene at the bar bot the partiis with thair forspekaris, quhilkis effir ther resonable dusputation soll ay be amovit sa that na man soll heir the disputation of the lordis, bot at tha ma spek disput and argw libere.¹

‘ Item, at nane othir personis be permittit to fill the hous with nowmer or cum therin abon the nowmer of viii. or ix. persons at ma be permittit to sit on the lang bynk, and ane maser to be in the flur, ane other at the dur, to answer to the lordis chargis ; and at all thir persons at beis permittit to remane in the hous be sworn, and the maseris, at tha salle reveill na thing at tha heir to ony partiis.

‘ JAMES REX.’

The history of the Privy Council in Scotland, in its earlier stages, is a subject which awaits an industrious student. The course of events since 1513, however, already indicates that the lords of council, acting as representative of the prevailing political faction at a time when the authority of the Crown was intermittent or feeble, developed a strong sense of their importance in administration. Their functions in ‘ session ’ and in exchequer, also, were now felt to demand special qualifications. Our next document, therefore, which bears closely upon the history of the Privy Council, also serves to suggest some explanation of the practice whereby the lords of council took upon themselves to ‘ admit ’ a new colleague.

‘ In presens of the lords of counsale comperit James Colvile of Uchiltre and producit ane writing subscrivit be the Kingis henes, desirand the lordis to admitt the said James to be ane of the sessioune, chekkir, generale counsale, and all utheris tymis as accordis, and to adjune him therto with the saidis lordis. The quhilk charge and

¹ i.e. freely.

desire of the Kingis grace the lordis thocht resonable, and admitt the said James to be ane with thame in all sessiouns, chekkeris, generale counsalis, and utheris quhatsumevir in tyme to cum, as ane sufficient and ganand persoun therto, eftir the command of our said soverane lordis lettres, of the quhilk the tenour followis :—REX : Chancellar and lordis of our counsale, forsamekle as we, undirstanding the fidelite and gud labouris takin be oure lovit familiare servitour James Colvile of Uchiltre, directour of our chancellarie, in tymis bypast alsweile in using of the office of comptrollarie as utherwais awayting apoun our service, and is able to do us gude and leile service in tymis to cum, quharfor it is our will that the said James in tyme to cum use and exers the said office of directory of our chancellarie according to our gift maid to him therupoune for all the dais of his lif, and that he be ane of oure counsale and have place therof in oure sessioune, chekkir, generale counsale, and all uther tymis as accordis, and that ye admitt and adjune him therto with your lordschippis according to this our mynd. Subscrivit with our hand and gevin undir oure signet at Edinburgh the ix. day of Marche and of our regnne the xvi. yere.'¹

THE COLLEGE OF JUSTICE

In the summer of 1529 a Scottish envoy appeared at Brussels, to confer on a marriage between James v. and the Dowager of Hungary, sister of the Emperor Charles v.² This was a new departure in foreign policy brought about by a variety of circumstances. The Emperor had beaten the French decisively at Pavia, and had now ousted them from Italy: Pope Clement vii. was at his mercy: both Francis i. and Henry viii. were compelled by the threat of overweening power to cultivate more friendly relations. Scotland could not look to France for effective help, if the English became aggressive: she could obtain it in the present condition of international affairs only by courting the friendship of Charles v., who was irritated by Henry's proceedings against Katharine of Aragon. The financial state of James v., which had suffered

¹ *Acta Dom. Conc.*, 10th March 1528-9.

² For a fuller account of proceedings, see *Scot. Hist. Rev.*, xv. 33 ff.

from the acquisitive propensities of the regent Albany and the peculations of less considerable persons, was another incentive. That might be retrieved by a wealthy marriage. If the Dowager of Hungary failed, there was Katharine de' Medici, niece of Clement VII. and a near relative of Albany : if neither lady was available, and it should be necessary to obtain the papal authority for an ecclesiastical subsidy in Scotland, the Emperor was the man to procure it. Albany was in a difficult position. He might be expected to take a hand in clearing off the financial deficit for which he was so largely responsible ; but Francis I. had no mind to see Katharine bestowed in Scotland. The final issue from this tangle of diplomatic interests was surprising. Erskine of Haltoun, the secretary of King James, appeared in Rome during the spring of 1530-1 with instructions which seem to have been left for Albany to carry into execution. On 13th September 1531 Clement VII. issued a bull, narrating the desire of James to found a college for the ministration of civil justice. The King had no money to spend, and requested that the prelates should be asked to contribute a permanent subsidy of 10,000 ducats *auri de camera*—equivalent to £10,000 Scots. That subsidy the bull imposed. The executors included, significantly enough, Archbishop Gavin Dunbar, the chancellor, and Alexander Stewart, Bishop of Moray, Albany's half-brother.

There can be little doubt that Dunbar knew of the proposal to endow an assiduous court by papal authority and at the expense of the church ; but whether he was fully aware of the instructions which Erskine carried to Rome is another matter. The complicated wrangle which followed upon Clement's grant cannot be discussed here. It is possible that James and his lay advisers stole a march upon the ecclesiastics ; and that Dunbar expected the liability of the prelates to consist in assigning benefices in their patronage—a simple and inexpensive course compared with a heavy and direct tax upon

their own emoluments. However that may be, it is more important at present to observe, in a royal letter which the chancellor read to the council while the secretary was on his way to Rome, some anticipation that assiduity, at least from a section of the lords in session, was about to be secured, as well as a specially qualified court.

‘ Forsamekle as be multitude of lordis ingyrand thaim indifferently in tymes bigane to have voit in the sessioun and in decisioun of civile materis ther has bene baith gret confusioun and stop in the doing of justice and na ordour kepit therin, for eschewing herof and to put all thingis in bettir form we have ordanit and ordanis the lordis spirituale and temporale and uthir persouns of cuning, knawlege, and understanding quhais names eftir followis to have voit in the sessioun and in decisioun of all materis that concernis therto and nane utheris, and that the prelatis and temporale lordis be bot present at ther plesour, and that the remanent be daly with our chancelar and be sworne to determe and decyde in all actiouns cuming befor thaim eftir ther connyng and knawlege.’

[*For the spirituality*—Archbishop of St. Andrews : Bishops of Dunkeld, Aberdeen, Galloway, Ross : Prior of St. Andrews : Abbots of Cambuskenneth and Kinloss : Archdeacon of St. Andrews : Dean of Dunbar : Provost of Trinity College : Dean of Restalrig : Master Richard Bothwell : Master Henry Quhite : Provost of Crichton.]

[*For the temporality*—Earls of Huntly, Moray, Argyll, Bothwell, Eglinton : Lords Erskine and St. John : Sir James Hamilton : Laird of Balwery : Sir John Campbell : Treasurer : Secretary : Privy Seal : Justice Clerk : Advocate : Clerk of Chancery : Master Francis Bothwell : Master James Lawson : Thomas Scott.]

‘ Item, of thir lordis and persouns forsaidis xiiii. at the leist remane with the chancelar and that thai depart noct without licence and return again at his command or quhen he pleis to wryte for thame.

‘ Item, fra tyme the chancelar and lordis entir in the tolbuth that na maner of man remane therin but advocatis and sic able men to leir practik as sall pleis the chancelare.

‘ Item, that the maseris keip the counsale hous dur in this maner: that is to say that the dur stand oppin and tua of thaim, ane on ilk syde at

the utir dur, uthir tua ilkane of thaim at the inwert dur, and ane maser to be on the flure within to call and do as the chancelar commandis him, and that na man entir but leif of the chancelar fra tyme that thai be commandit to byde furth undir the pane of warding of ther persouns, and geif thai dissoobey to be wardit and thereftir punist at our plesour for ther disobedience.

‘ Item, geif ony persoun forsaide be tollerance of the chancelar and lordis remanis within the counsale hous in tyme that ony mater is put in disputatioun, that thai be sworne nocth to revele the oppunzeons and argumentis of the lordis havand votis, and geif the contrar be attentit apon thaim, thai never to haif enteres agane.

‘ Item, that na man be admittit to stand at the bar bot the partyis and ther advocatis and forspekaris.

‘ Item, that the chancelar caus all thir premiss to be observit and kepit, quhilk an he falze to do the samin it salbe imput to his negligence and wyte.

‘ Item, that na materis be callit by ¹ the ordour of table be tikket and uthir summondis that suld byde the ordour of table, except the materis concerning our daly servandis in offices and for uthir resonable caus as the lordis thinkis urgent and necessar to be done, providing alwayis that materis of recent spulze and of strangearis and siclik utheris as ar privilegit in therself have cours and place as use has bene in tymes bigane.

‘ JAMES.’ ²

It is unnecessary to draw attention to the definite limitation of personnel in this letter: the demand for regular attendance made upon the lesser ecclesiastics and temporal persons, with the King’s officers: the specification of fourteen as a suitable minimum in sederunt: the admission of learners in ‘ practik.’ A regular quorum was most difficult to procure. On 12th December 1531 thirty-eight were named for the session:

¹ i.e. ‘out of.’ On 13th Nov. 1531 the matters which might be taken out of the order of table were ‘recent spulze, declaracioun of redemptioune of landis, reducing of lettres inordourlie procedit, and summondis that ar continewit be actis in the bukis of counsale or with consent of party and acts of adiornale, transferring of decretis, tynsale of superioriteis of thame that ar chargit be the actis of parliament to entir to ther landis, summondis that ar deliverit be the lordis to have the natour of recent spulze.’

² *Acta Dom. Conc.*, 14th Feb. 1530-1.

twelve sat next day ; and thereafter we find great irregularity, the attendance on one occasion dropping to five. About a week before the parliamentary act anent the College of Justice, in May 1532, Campbell of Loudoun complains of the persons chosen that they ‘ ar now present in this toun and abstrakis thame self to decid on the mater movit betuix the maister of Glencarne and him ’ ; and James hands a list to his chancellor requiring presence at Holyrood and a decree without more ado.¹

The foundation and endowment of the College of Justice was the inevitable end of a long development. The men nominated in the Act of Parliament² were, with the exception of the Abbot of Cambuskenneth, president in the absence of the chancellor, in most cases men indicated in the royal letter read by Gavin Dunbar in 1530-1 as those from whom special assiduity would be demanded—lesser clergy and barons, and certain officers of the Crown. Yet the Lords of Session, now endowed for a particular function, were still also Lords of Council and Session. The *Acta Dominorum Concilii* after 1532 show that they were consulted occasionally on Privy Council business, and were constantly mingling in sederunt with lords who were not of the Session. The members of the College of Justice were learned in the law ; but as a rule they were not men enjoying great power and place among churchmen or feudal aristocrats. One of the objects of endowment, as we have seen, was to secure a regular nucleus of qualified judges. Their complete segregation from other activities of Council was not contemplated, and was indeed impossible. Conservative feeling in the great ecclesiastical and temporal lords was naturally disinclined to break with the established order ; and it was probably because of this feeling, in the main, that a certain number of ‘ extraordinary ’ lords were subsequently introduced to leaven the lump. This was, in

¹ *Acta Dom. Conc.*, 11th and 13th May 1532.

² *Acts of Parl.*, ii. 336.

reality, no more than partially to restore that element from among the magnates which was present before differentiation of function had advanced so far. An analysis of the foundation, however, and a discussion of the curious historical questions which remain as yet unanswered—and even unasked—would be beyond the proper limits of this paper.

R. K. HANNAY.

THE TAILORS' HALL, COWGATE

PART I.—THE RECORDS

THE Tailors' Hall is, next to the Magdalen Chapel, the most important of surviving buildings in Edinburgh connected with the corporate life of her trade corporations, the history of which can be followed from the late mediaeval period downwards. The Chapel has already furnished material for a paper, similar to the one here offered, that was published in volume viii. of the *Book of the Old Edinburgh Club*, and the matter of both papers, of the paper on the Chapel and the present one on the Hall, will ultimately be incorporated in the Report on the older monuments of Edinburgh in preparation by the Royal Commission on Ancient Monuments in Scotland. The Magdalen Chapel was once the home of the Hammermen's Incorporation of Edinburgh; the Tailors' Hall, as its name implies, belonged to and was the seat of the corporate life of the Incorporation of Tailors. In each case the object in view in the antiquarian study has been to investigate, not the history of the guild itself, but only that of its buildings and its possessions of a material kind. Monumental history cannot, however, be dissociated from that of the men and women and the corporate bodies for whom the monuments were constructed and fitted up, and whose needs and ways of life in general conditioned the location, the form, and the furnishings of the structures. Hence it has been necessary to devote all possible attention to the original records concerning these Incorporations, as it is often the case that through formal entries or passing phrases in these we are able to acquire trustworthy

evidence as to the construction and the modifications of the various buildings which the Incorporations owned and used.

In both cases under consideration considerable documentary evidence exists. A large number of old Minute Books from the fifteenth century onwards were placed in our hands by the kindness of representatives of the old Hammermen's Incorporation, and were made the basis of the former paper. In the case now before us, the law agents of the Incorporation of Tailors, Messrs. Wishart and Sanderson, W.S., 23 Rutland Street, have been so kind as to secure for us the use of a substantial body of original documents, the property of their clients. These consist in part of old Minute and Cash Books of the eighteenth and nineteenth centuries, and in part of original deeds on parchment and paper of the centuries from the fifteenth to the eighteenth. It needs hardly to be said that to read and interpret early documents of the kind often involves expert knowledge in palaeography and law, and in this connection we have been extremely fortunate. Out of the whole large number of original documents some sixty were selected as having a possible bearing on the history of the Hall, and a consultation with Mr. William Angus, Keeper of the Historical Department at the General Register House, resulted in a very kind offer on his part to read and analyse the records on our behalf. For this most valuable assistance we offer him our very cordial thanks.

Certain of these charters and other documents have been printed in the *Extracts from Edinburgh Records*,¹ in *Reg. Mag. Sig.*, in Laing's *Charters of the Collegiate Church of St. Giles*,² and Colston's *Incorporated Trades of Edinburgh*,³ and to some extent the history of the 'Tailor Craft,' as the early records call the Incorporation, can be followed on these

¹ *Extracts from the Records of the Burgh of Edinburgh*, Edinburgh, Burgh Records Society, 1869-1882.

² *Registrum Cartarum Ecclesie Sancti Egidii de Edinburgh*, Banmatyne Club, 1859.

³ Edinburgh, 1891.

printed pages. One of our deeds, dated in 1475, mentions 'the Altar of St. Anne situated on the south side of the Choir of the Collegiate Church of St. Giles of Edinburgh, founded by the deacon and members of the Tailor Craft of the burgh,'¹ and there are several entries relating to revenues from land in Edinburgh for the support of this altar. It is possible that traces may remain to this day, for in the east wall of the southern choir aisle are indications of a former altar, and it was one of about fifty altars, many of them belonging to trade guilds, with which pre-Reformation St. Giles' was furnished.²

There may here be mentioned two other points of connection between the craft and St. Anne. In 1554 the Commendator of Holyrood grants to the Tailors of the Burgh of the Canongate Letters of Incorporation which provide for 'augmentation of divine service at ane altar biggit within our said Abbey, quhair Sanct An, thair patron now stands.'³ Furthermore, the Tailors occupied in later days almost the whole of a steep street called St. Anne's Street,⁴ which ran down immediately to the west of the North Bridge and joined Princes Street with the parallel line of Canal Street below, and they may have given the street the name of their patron saint.

What we desire to learn is the history of the existing buildings or their predecessors belonging to the Tailor Craft in the Cowgate, and we are able to learn something of the land they occupy before the Tailors possessed it, and of the first establishment upon it of the Craft. This retrospect

¹ The statement in Cameron Lees's *St. Giles'*, *Edinburgh* (Edin. 1889), p. 80, that 'in 1531 the Tailors had allotted to them the Altar of St. Anne' is misleading, for though the altar is mentioned in the Seal of Cause of that date, printed in *Extracts from Edinburgh Records, 1528-1557*, pp. 52-5, the Craft had been in the possession of it for a long time previously. Another of our early deeds, dated 1473, refers to it.

² Cameron Lees's *St. Giles'*, p. 90 f.; Laing's *Charters of St. Giles'*, Appendix, p. xciv f.; Maitland's *History of Edinburgh* (Edin. 1753), p. 271.

³ Daniel Wilson, *Memorials of Edinburgh*, Edin., ii. p. 207.

⁴ *Book of the Old Edinburgh Club*, i. 149.

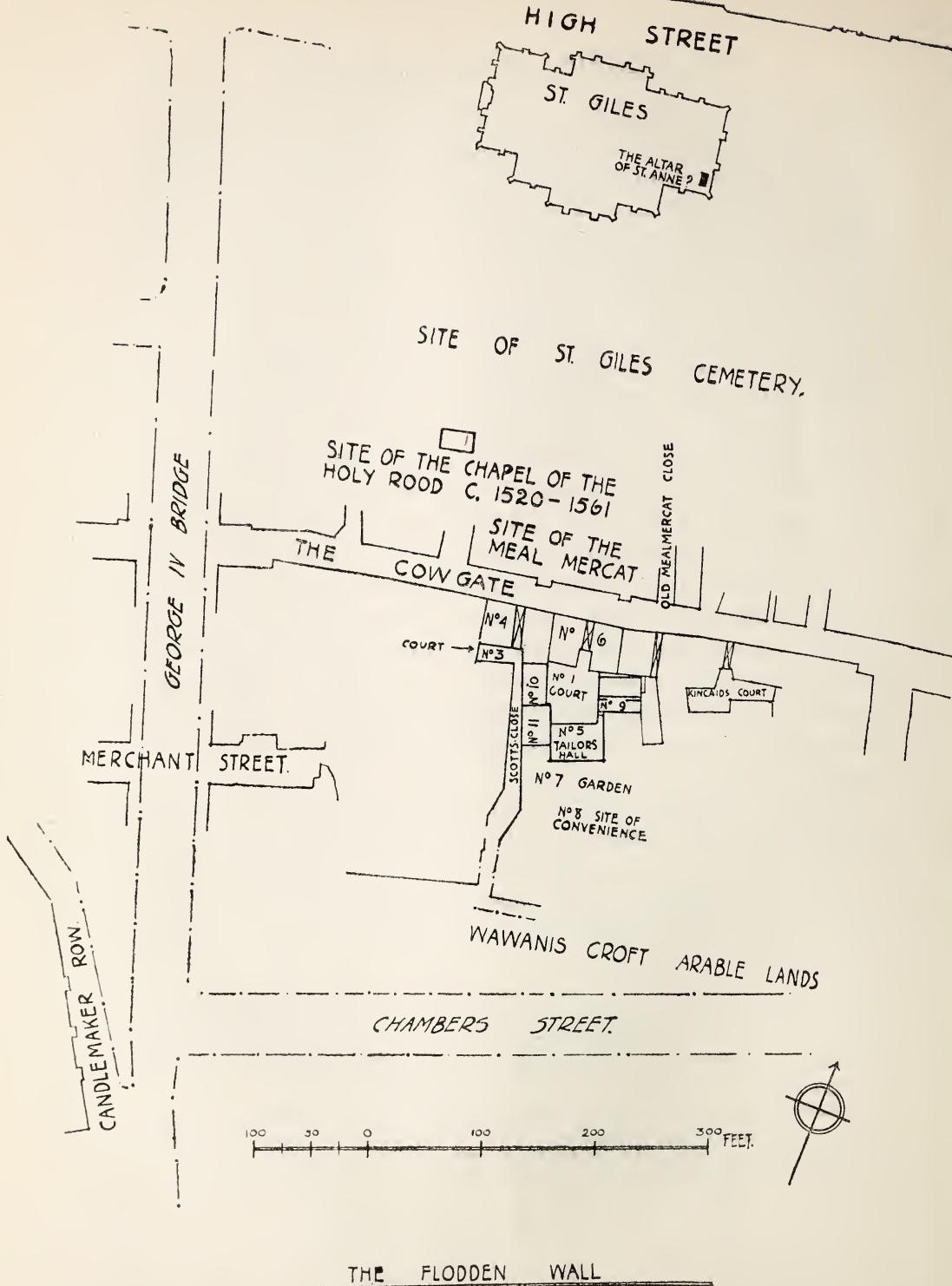


Fig. 1.—Plan of the Site of the Tailors' Hall.

brings to us a vision of a time when to the south of St. Giles' and between the ridge of the High Street and the Cowgate there were no Parliament Halls, Law Courts and Public Offices, Advocates' and S.S.C. Libraries, but a large part of the space these now occupy was open churchyard, that appears from what our documents tell us to have reached to the Cowgate itself.¹ Within this space, which is referred to more than once in the deeds as 'the laiche kirk yaird' of 'St. Giles Kirk,' 'St. Geill,' or 'St. Geilly,' there stood a chapel, called 'the Chapel of the Crucifixion,' or 'of the Holy Rood' or 'the Rude Chapell,' founded shortly after Flodden by Walter Chepman of Ewirland, burgess of Edinburgh and Edinburgh's first printer, the site of which is said to correspond approximately with that of the present Reading Room for outside students in the Advocates' Library (Ordnance Map of c. 1850). Walter Chepman is commemorated by the Chepman aisle, or rather chapel, in St. Giles', where is the tomb of Montrose.

According to a charter of 1528 printed in full in Laing's *Charters of St. Giles'*, p. 227 f., Chepman granted for the support of a secular chaplain in charge of his recently erected chapel a tenement of land on the south side of the Cowgate 'near the foresaid chapel' that is described as bounded by 'the land of the late James Lam,² burgess of Edinburgh, on the east, the land of the late John Abir . . . on the west, the arable lands called Wawanis Croft on the south, and the said Kowgait on the north.' The Cowgate runs, of course, still on its ancient line. The arable lands we may imagine occupying the site of the western part of Chambers Street, with perhaps a portion of the northern slope towards the Cowgate, and as

¹ William Forbes, vicar and afterwards provost of St. Giles', in whose incumbency during the last half of the fifteenth century the church became collegiate, executed in 1477 a deed by which he handed over to the town his own manse garden on the south of the church for use as a burying-ground, and the boundaries given in the deed include the Cowgate. See Laing's *Charters of St. Giles'*, p. 123.

² Fig. 2 shows a broken grave slab which was one of the many lettered pavement stones thrown out of St. Giles' in the first half of last century, by which act many pages

extending southwards to the Flodden Wall or even beyond it. We learn that these lands had belonged to the Sisters of

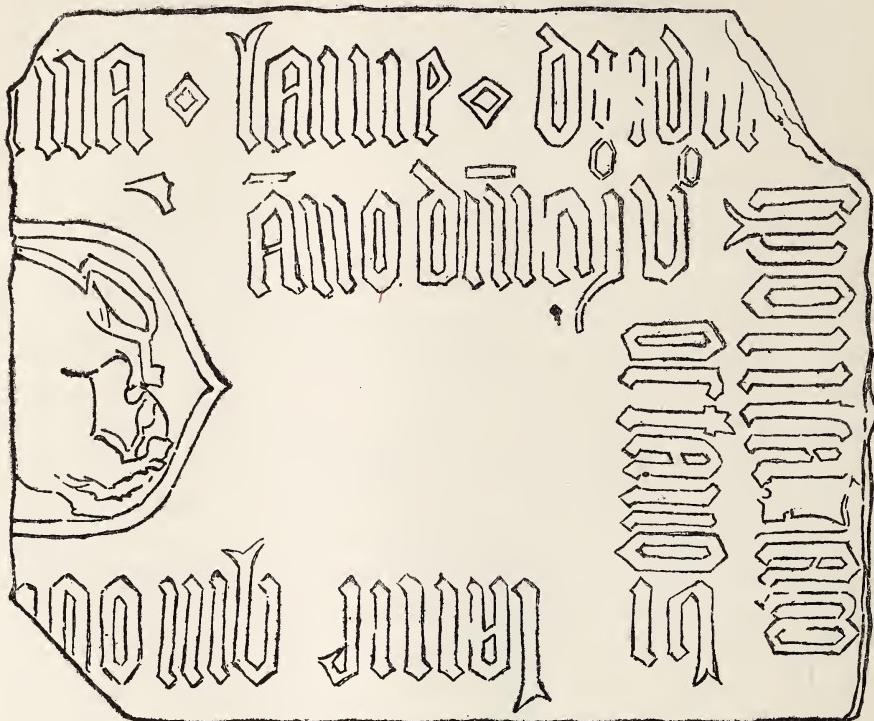


Fig. 2.—Grave Slab from St. Giles' Church.

· NA	LAME	DUDU[M]	SPONSA
JACOBI	LAME	QUI	OF[IIT]
. . . ANNO DOMINI M° V° OCTAVO			

Seynis (Sciennes) (deed of 1588), while a document of 1604 states that they were then 'pertaining to the bretherine of the

of Edinburgh history were doubtless destroyed. The stone commemorates (see sketch and transcription by Prof. Hannay underneath) the wife of 'Jacobus Lame,' who may be the James Lam here referred to.

The fragment of the slab measures 3 ft. 2 in. by 2 ft. 7 in. wide, and probably the missing part was not less than 2 ft. long. This sketch was made twenty-five years ago, and is the stone referred to by Sir Daniel Wilson in the *Memorials*, ii. p. 171, certain corrections being made.

Societie of Brewaris'—an interesting notice locating the brewing industry on a site it has ever since occupied. Where exactly the eastern and western boundaries ran it might be possible with the aid of old feu charters and other such deeds to ascertain ; for the moment it may be sufficient to note that the property to the west changed hands more than once in the next few decades. Anthony Busschet, a Frenchman but a burgess of Edinburgh, had it in 1536, and in 1588 it passed in whole or in part to Cuthbert Mathesoun, weaver, and his wife, but in 1604 it belonged to John Nicholson, whose trade of candlemaking connects him naturally with the locality, for Candlemaker Row still exists a few hundred yards away. At this date, 1604, Chepman's property adjoining Nicholson's on the east passes into the hands of the Cowpars of Gogar, represented by Adam Cowpar and Margaret Davidson¹ his spouse. The deed, an Extract from the Books of Council and Session, gives us some interesting information. Chepman's Cowgate property, it will be remembered, was set apart by the Charter of 1528 for the support of his Chapel of the Holy Rood in the cemetery of St. Giles'. This chapel, however, in 1604 no longer existed, for after the Reformation it was taken down, apparently about 1561 (Cameron Lees, p. 140), and the stones of it used for rebuilding the Tolbooth at the north-western corner of the church, so famous in after history and romance. Accordingly in the deed of 1604 it is referred to as 'the Halierude chapell *sumtyme situat*² in the laiche kirk yaird of St. Geilly Kirk in Edinburgh.' The deed is given in the *Calendar of the Laing Charters* as No. 1468: '1st, 15th, 28th June 1604. Charter by Mr. Richard Kene, writer, Edinburgh, son and heir of the late Mr. John Kene, writer, Edinburgh, with consent of Jonet Strang, his mother, and of James Mowat, writer of the secretary's register in the shires of Aberdeen and Kincardin, chaplain of the holy rood chapel formerly situated

¹ The name is given in another deed, *infra*, p. 132, as Dennistoun.

² The italics here and below are ours.

in the lower part of the cemetery of St. Giles Church, Edinburgh, superior of the subjects disponed, also with consent of John Johnstoun, patron of the said chaplainry, lawful son of the late John Johnstoun, writer and clerk of council and session, selling and disponing to Adam Couper of Gogar, Margaret *Dennistoun*, his spous, their heirs, etc., a tenement of land, now waste, lying in the burgh of Edinburgh, "in vico boario, *lie Cowgait*," on the south side of that street, near the said chapel, bounded on the south by the "arable lands called *Wairin's* croft now pertaining to the society of brewers or malsters," and otherwise by the properties of the late James Lamb, now waste, John Adamson, younger, and the heirs of the late John Nicolson, candlemaker, as described: To be held of the king for burgage service, and of the said James Mowat, chaplain, for a reddendo of £6, 16s. 8d. yearly. Dated at Edinburgh and Aberdeen, 1st, 15th, and 28th days of June 1604. Witnesses, . . .

Again, a portion of the land laid out in the time of William Forbes for a cemetery had been turned to secular purposes and was the mealmarket, the site being still marked up to our own time by Old Mealmarket Close, for in connection with the Chepman property we are told in the deed of 1604¹ and one of the same year that is connected with it, that it lay on the south side of the Cowgate 'foiranent *the Laichekirkzaird* now being the commoun meilmercat place of the said brucht,' a phrase which seems to show that the site of the mealmarket was part of the land that was, at any rate prospectively, the cemetery. If Old Mealmarket Close² locates this 'commoun meilmercat place,' Chepman's property can also be fixed 'foiranent' or opposite to it on the other side of the street, where is now the Argyle Brewery. We are told, however, in

¹ Confirmed by Charter under the Great Seal of King James VI. (see *Reg. Mag. Sig.*, 1593-1608, No. 1606).

² The name has now disappeared and part of the site is occupied by the S.S.C. Library, but the Close is marked by its name in the older Ordnance Survey Maps.

both of these last documents that the Chepman property was at the time 'waste, ruinous, and uninhabited.' When it passed to Adam Cowpar of Gogar it is described as follows: 'the tenement of land bak and foir being now altogidder waist and rawinous, with housses, bigingis, zaird (No. 1),¹ well (No. 2, not located),² clois, thairof and thair pertinentis,' so that the value of it consisted in little more than the site.

We come now to the most important entries of all those contained in the ancient deeds now under consideration. In the first place, in 1605 a division was made of the Busschet-Mathesoun-Nicholson property to the west, and Adam Cowpar added half of it to the Chepman land he had obtained the year before. There were buildings on the site, 'quhairof thair is twa rwinous uninhabitt and the uther twa theikit with stray.' There was also an open yard (No. 3), 'and als the thak croezechous or tofall lyand at the northend of the said zaird,' on which a further word will presently be said. Next comes in 1620 an Instrument of Resignation and Sasine in favour of the Tailor Craft of the burgh of Edinburgh by which the original Chepman, now Cowpar, property passed into the hands of the Tailors' Incorporation, while a similar deed of the

¹ The following is the explanation of these numbers (No. 1, etc.). The buildings, etc., to which these numbers are annexed, when they can be located, are indicated by the same numbers on the sketch plan shown on page 128. They are as follows:—

- (No. 1) Yard or court.
- (No. 2) Well (not located).
- (No. 3) Mathesoun's yard.
- (No. 4) Mathesoun's tenements facing Cowgate.
- (No. 5) The Tailors' Hall.
- (No. 6) Tenements facing Cowgate.
- (No. 7) Garden south of Hall.
- (No. 8) 'Lillehouse.'
- (No. 9) Tenement east of Court No. 1.
- (No. 10) Tenement west of Court No. 1.
- (No. 11) Room west of Hall.

² The well situated in the courtyard near the entrance to the Hall is over 300 feet deep, and having been operated by a steam pump for many years has doubtless drained all the others just referred to.

same year puts the Incorporation in possession also of the Mathesoun land to the west, bought fifteen years before by Adam Cowpar, in connection with which transfer there are certain topographical indications that are worth notice. We learn that the Chepman property consisted in 'lands and yard,' and that the Mathesoun land had also a yard, at the north end of which stood a 'thak-croce-hous' or 'Tofall.' This building did not, however, abut on the Cowgate, for it is also described as being on the south side of other tenements that were bounded on the east by the 'trans' or passage between, and serving the convenience of, the Chepman and Mathesoun properties. These last tenements (No. 4) we may presume faced the Cowgate, and they seem to have been separated from the 'croce-hous' by a narrow strip of waste land. The whole site, accordingly, that in 1620 became the property of the Tailors, embraced two courts or yards and various buildings, many, perhaps most, of which were in a ruinous state.

This condition of affairs makes natural the next important event relating to the property, the immediate erection, so that it was completed by 1621,¹ of the existing Tailors' Hall (No. 5) on the south side of the present open court, which we may take to correspond to the original 'yard' of the charters (No. 1). There can be no real question that this Hall and court occupy part of the site of the old Chepman property, and it is a plausible suggestion that the present buildings between the court and the Cowgate (No. 6), which are quite of seventeenth-century character,² were erected about the same time. These buildings are, however, extended westward along the Cowgate beyond the limits of the court and the Hall, and this extended part has at the back of it its own courtyard (No. 3). This we may assume to be Mathesoun property that the Tailors also had acquired. This Mathesoun property consisted of two tenements, and only

¹ See *postea*, p. 149.

² See *postea*, p. 153.

half of it passed in 1605 to Adam Cowpar and from him to the Tailors. We do not know whether the division ran east and west or north and south, but the latter is more probable, for evidently the Cowpar moiety abutted on the Cowgate—see above (No. 4)—and there is a presumption that it extended backwards as far as the adjoining Chepman property had extended. How far this was may be inferred from an Act or Warrant of 1744 by the Dean of Guild Court permitting the Tailors to implement an agreement come to with the representative of Scott of Bavelaw¹ by opening a passage from ‘Scott’s Close in the Cowgate in order to be a passage leading to the Incorporation’s Garden’ (No. 7), ‘and they, being resolyed to open the said passage and put a door in their garden dyke at that place where the house of conveniency stood (No. 8), and to remove their said lillehouse² to the north-east corner of their Garden, accordingly crave and obtain a Warrant dated Feb. 1, 1744.’ It may be interesting to know that Scott’s Close is mentioned by Sir Walter in *Redgauntlet*, in the fourth letter of Darsie Latimer, where he contrasts the firm pavement of the Close with the shifting sands of the Solway. In a Minute Book with entries from 1747 to 1761 there is a mention in 1753 of ‘their Hall Garden and back entry from Scott’s Close to the said Hall,’ and in 1754 a new key is obtained for the back door of the Garden. The situation of this Garden was undoubtedly at the back or southern side of the Hall, where is now an open courtyard (No. 7), so that the property extended a good way to the south.

In the Minute and Cash Books of the Incorporation, so far as these have been preserved, there are various mentions of buildings on the property, and it will probably be conducive to clearness if these are put together in this place without any reference to existing structures. In Part II. of this paper deal-

¹ Bavelaw Castle lies two and a half miles south of Balerno.

² See, *postea*, p. 157.

ing with the latter, there will be an opportunity for offering suggestions as to the identity of some of these with structures mentioned in the documents.

The original deeds give little information of how the Tailors dealt with their new possessions during the rest of the seventeenth and early part of the eighteenth centuries, and the Minute and Cash Books furnish no entries earlier than the middle of the eighteenth century. The most instructive of the entries in these books is a specification dated 1755 in connection with a policy of insurance negotiated with the Sun Fire Insurance Office in London. We have here an enumeration of the buildings on the site with the amount of insurance on each, from which their relative importance can be inferred. The following is a verbatim copy: ' . . . their Tenements in the form of a Square on the South side of the Cougate opposite to the Meal Mercat Edinr, Stone and Slated, viz., a fforeland fronting the Cougate' (No. 6) ' Consisting of four Stories and Garrets occupied by Thomas Trotter Breuer & oyrs not Exceeding Eight hundred pounds Sterling. A Tenement on the East Side of the Court' (No. 9) ' but Separate from the aforesaid not Exceeding Two hundred pounds money forsd. A Tenement Adjoining the South Gavel of the last mentioned which is Us'd for Conveening the Incorporation in the third Storie' (No. 5). ' The two Stories below are us'd as Malt Lofts occupied by Thomas Trotter aforesaid not Exceeding four hundred pounds. A Tenement adjoining the West Gavel of the last mentioned Used for Malt Barn or Granaries not Exceeding fourty pounds' (No. 11). ' Breu-house & Malt Kiln adjoining on the West Side of the Court Separate from the aforesaid Buildings not Exceeding sixty pounds all Stone and Slated . . .' (No. 10).

The impression conveyed by this entry, to which others with the same significance will be added, would lead us to the idea that the Tailors were aspiring to become brewers, and were more concerned to reinforce the 'innards' of the lieges

with beer than to keep them warm and seemly by clothing. Brewing was an early industry in the district, and has remained the leading occupation along the whole line of the Cowgate and its continuation, the old south back of the Canongate, now Holyrood Road. The natural water supply is supposed to account in large measure for this, and in this connection we may note the mention of the well (No. 2) in the deed recording the sale to Cowpar in 1605, as also three references in the Minute Books, to 'their draw-well' in 1750, 'the pump to the brewery' in 1753, and 'use of the pump well' in 1799.

The early interest of the Tailors in the brewing industry may have arisen in this way. In 1597-8 there was formed 'The Fellowship and Society of Ale and Beer Brewers of the Burgh of Edinburgh.' They had their premises at the Society (so called from them) not many yards distant from the Tailors' Garden (No. 7). This Fellowship or Society was incorporated by Charter, and is believed to have been the first commercial incorporation in Scotland. It continued to exist for about twenty-one years, till it was dissolved in 1618.¹ For some years before there had been friction in the affairs of the Fellowship, and the Tailors had evidently set about to capture the wandering members of that body.

The Tailors naturally needed little more for their own purposes than their Hall of meeting and its immediate adjuncts, and would at once let the tenements which they became possessed of or rebuilt along the Cowgate and to the east and west of the yard or court (No. 1). Some of these, like their own Hall, were used for brewing purposes when they let them, for in 1749 the Tailors let 'their brewery' to Thomas Trotter, brewer, who in the insurance specification of 1755 is in possession of the Cowgate frontage, while the west side of the court is devoted also to the brewing interest. The east side was at the first similarly disposed, but in 1771 some one

¹ *Book of the Old Edinburgh Club*, x. 226 f.

offered to 'take the north wing of the Lodging providing the Brewhouse was converted into a Coach-house and Stables,' and in 1799 there was grant of 'a Tack of the Lodging on the East side of their Close with the two stables and Coach-house on the West side thereof,' the entries evidently referring to the same subjects. In 1800 'Mr. Campbell, Brewer in the Cowgate,' offered to purchase 'the Corporation's back property,' and the next year the transfer was effected, and 'Campbell's Brewery,' or 'The Argyle Brewery,' was established on the site which it now completely occupies and utilises.

[This is a suitable place in which to express our deep indebtedness to the proprietors of this large establishment, and especially to the Manager, for the extremely liberal fashion in which they have allowed us to have access to all parts of their premises, and the interest they have evinced in our investigations.]

Brewing was, however, not the only industry carried on within our period on the site. In 1757 'Alexander Kincaid, Bookseller in Edinr,' offers to purchase an important part of the property, and is ultimately accepted as a tenant. Bailie (afterwards Provost) Kincaid was a prominent citizen of his time, and his name remains attached to 'Kincaid's Close' a little to the east of the Incorporation's property. A little later an entry in the Cash Book shows that Kincaid was paying rent for a 'printing house,' and this great Edinburgh craft was in this way attracted hither, so that when in 1800 Campbell made his offer for the property, we are told that this had been 'lately advertised as the possession of His Majesty's late Printers for Scotland,' who had left behind them some printing presses that caused embarrassment. It must be remembered also that Walter Chepman, the proprietor in the sixteenth century of the site, was the first Edinburgh printer. Furthermore, in 1822 a substantial part of the tenement was occupied as a schoolroom, for in January of that year a com-

mittee was appointed 'to examine whether it would be proper to change the Hall to the adjoining large room belonging to the Incorporation presently occupied as a schoolroom,' so that the Incorporation may claim that it encouraged the three great Edinburgh industries, beer-brewing, printing, and education. Nor was the lighter side of life neglected. The metropolitan city was bound to be a place of the arts and of social gaiety, and accordingly in 1774, 'upon the petition of John Armour, Secretary to a musical society, the Incorporation agree to let them have the use of the Hall for half a year at the rent of 20 shillings.' This is of interest in connection with the use of the Tailors' Hall in the earlier part of the eighteenth century for theatrical performances, which subject is dealt with in Part III.

In connection with these various lettings and proposals for sale, it is surprising to find the Hall itself treated just like a pawn in the game, without any marked difference between it and the other buildings on the property for which the Incorporation itself would have no special use. The inscription over the doorway (Fig. 11) is imposingly worded and suggests that the 'Tailzeours' would take pride in their corporate habitation, in the same way in which the neighbouring Incorporation of Hammermen showed a pious interest in the Magdalen Chapel and its fittings. The Tailors' Minute and Cash Books, however, give little sign of this. The Hammermen held the Magdalen Chapel till the year 1863, while, in 1801, as we have seen, the Argyle Brewery became possessed of the whole of the Tailors' property in the Cowgate, with the exception of No. 11 which the Incorporation reserved to themselves.

During their tenure of the Magdalen Chapel, successive generations of the Hammermen not only asserted the dignity of the place by erecting, in 1620, the imposing tower, a manifesto of corporate pride, as was shown in the previous paper,¹

¹ *Book of the Old Edinburgh Club*, vol. viii.

but were constantly adding to it fittings in the shape of bells, stone carvings, painted armorial shields, inscriptions, screens, chairs, candelabra, a Bible with its standard, and the like, of which successive generations took proper care, so that the whole has descended to our time as a most remarkable relic of antiquity. The Tailors' Hall has on the other hand, in spite of its exterior inscriptions, come down to us as a mere shell, with comparatively modern internal divisions, so that it is very difficult to restore in thought its original appearance.

The Kincaid proposal just referred to was a proposal to buy outright the Tailors' Hall, and as a fact, though they would not sell, the Incorporation 'Resolve that Mr. Kincaid shall have a Tack of their said Hall and Garden . . . at thirty pounds sterling of yearly Rent,' but they add the words 'Except the Room on the West end thereof Which they reserve to themselves for a Meeting house' (No. 11). Another minute adds, 'Reserving the use of the Garden and office-house at the time of their Meetings during the currency of the said Tack.' On this west room (No. 11) something will be said in the sequel (*postea*, p. 151). That the Hall was not much valued at the time may be inferred from the fact that in 1749, when the Tailors' brewery was let to Thomas Trotter (*antea*, p. 137), they allowed him to lodge '200 Bolls of Bear' in their Hall. It is called at the same time 'their convening house,' and we so find it in minutes, *e.g.* in 1751 'the Incorporation of the Taylors of Edinb. Being Duely Calld & convend in their Hall and convening house,' and also 'in their convening house or Hall in the Cowgate of Edinr.' An entry in the Cash Book in 1756 is worth notice, 'To a Fire to the Hall on Belton Day.' This celebration of the primeval midsummer festival by the godly Edinburgh Tailors of the middle of the eighteenth century is of some interest. When Kincaid in 1757 rented the Hall it was in need of repairs, and the Incorporation allowed him £300 'for repairing and meliorating

the Taylors Hale,' to which he added from his own pocket £75. To Nicol Graham, who had to take down the roof of the Hall, there was paid £60, and Peter Jamieson, mason, received £20. 'New Windows with Yoke Glass'¹ were added to 'the Stair of the hall,' and 'flooring, Plastering, Rooffing' are recorded, all in 1757, while in the next year Nicol Graham's 'Relict' received £175, 10s. Later on, in 1770 Kincaid obtained permission 'for striking out windows in the south wall of the Hall.' The letting of the Hall in 1774 for musical purposes has already been noticed, but ten years later there is evidence that some members of the Incorporation were not satisfied with the furnishing forth of the Hall, which no doubt compared unfavourably with the Magdalen Chapel. On 10th September 1784 'the Deacon moved that in former times sundry donations, etc., were made the Corporation, And the names of the Donors were affixed on the Walls of the Society's Hall—that the place of Meeting at present required something to be done with it, and suggested a Committee of the whole house to examine into the matter, and cause the whole to be cleared up and placed in the present Hall.' Nothing apparently came of this motion. In 1822, however, some internal embellishments of the kind were actually carried out, for on 19th November of that year 'the Incorporation remitted to the new Hall Committee to order and direct the furnishings and interior decorations of the Hall according to their best judgement.' A portrait of His Majesty and another of a benefactor of the Incorporation were hung up in the Hall, and in 1824 there is minuted an order that certain donations 'be recorded on the walls of the Hall to the honor of the donors,' while at the same meeting 'the Incorporation ordered the Treasurer to get Brass Candlesticks for the Hall, and to cause to be put up the readings on the walls, and to paint the Hall.'

¹ Yoke glass, *i.e.* glass with a round swelling, being the mark or impression of the blowpipe. Such yoke glass is still to be seen in the staircase window.

At this same epoch, however, there was a shortage in the funds available for improvements in the Hall, for whereas a warrant had been obtained in the Dean of Guild Court for structural alterations to cost £250, the Incorporation on 11th July 1822 resolved 'that they leave the outer or main door as at present without alteration and curtail the internal alterations proposed so as to reduce cost to £150.' One rather important work was, however, in September of this year actually set on foot, and this was the lowering of the floor of the 'new Hall,' as it is called in the minute, from thirteen to fourteen inches.¹ A few days later it was reported that the old flooring of the Hall was not good enough to lay down again, and it was decided 'to lay the floor of the Hall with new wood, and to employ the wood of the old floor in the improvements in the sunk flat.' The last entry concerning the Hall in the extant books is a curious one of 1825, in which year 'the Clerk . . . directed to inquire whether the proprietor or tenant of the area in front of the windows of the Hall was entitled to erect deals opposite the windows of the Hall, as he was doing,' and it seems to have been decided that the 'proprietor of the area on the north of the Hall was entitled to build on that area, the height of the bottom of the old windows of the Hall.'

It is to be noted that the Hall was only a part, and financially not the most important part, of the Cowgate property. The specification of insurance in 1755 quoted on a previous page (*antea*, p. 136) shows this, and in 1825 similar rates are quoted, when 'the Incorporation ordered insurances to be effected on the following properties belonging to the Incorporation, as follows, viz. Hall and house adjoining £350, furniture therein, £150; Cowgate subjects £1000 . . .' That 'Cowgate subjects' mean the present picturesque building facing that thoroughfare seems quite clear. In 1797 Mr. William Gowans,

¹ The Hall referred to is No. 11, not the Great Hall No. 5.

grocer in Cowgate, offers 'to take a tack of the Incorporation's two tenements of Land situate in Cowgate' at a yearly rent of £48 (Kincaid's rent in 1757 for the Hall and Garden was £30: see, *antea*, p. 140), while a later entry of 1797 calls the property 'the two front tenements.' In 1815 this Cowgate property was inspected, and was found 'not in that full state of repair that could be wished.' It was let, however, in the next year at the handsome rental of £95 per annum. An entry of 1802 goes into some detail about an arrangement to build up with stone and lime three doors which formerly entered from the houses in the ground floor of the tenement into the court. As a compromise they were converted into three windows with iron stanchions. Exactly where these were we cannot tell.

PART II.—THE BUILDINGS

The Tailors' Hall and the buildings facing the Cowgate on the south side of the street, all situated on lands of which, in the preceding pages, the history has been traced, have hitherto been dealt with in a very perfunctory and quite misleading manner.

The buildings are arranged in courtyard fashion, the courtyard measuring about 48 feet from east to west by 52 feet from north to south, the buildings on the latter sides being of early seventeenth-century date and very characteristic examples of city architecture of that time. Those on the east and west sides are relatively modern structures. Entering from the Cowgate through the wide pend or cart entrance under the front land, to be hereafter described, the visitor finds himself in the courtyard opposite the Hall, a plain but striking building of originally three storeys in height, the present fourth storey being an addition of the eighteenth

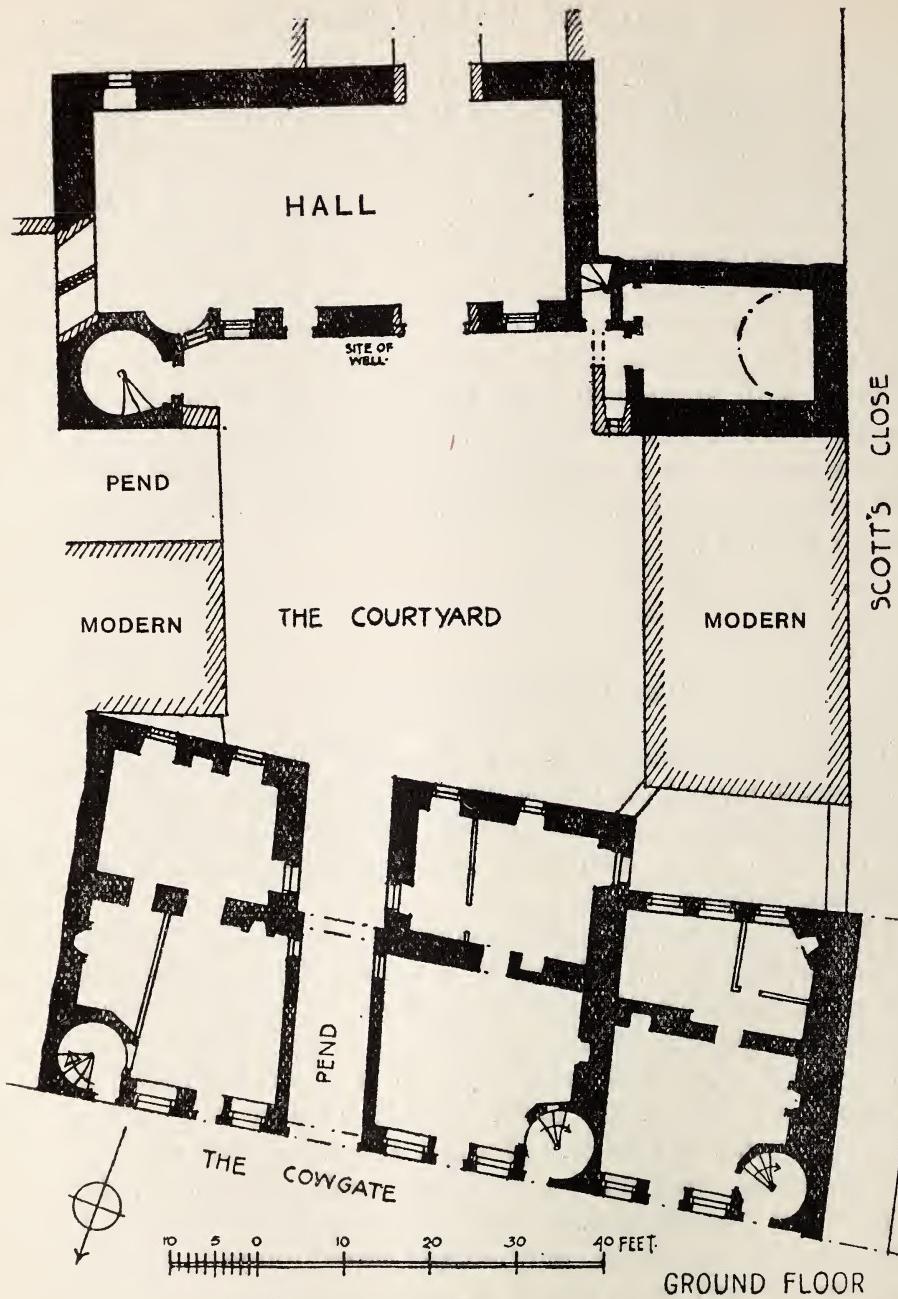


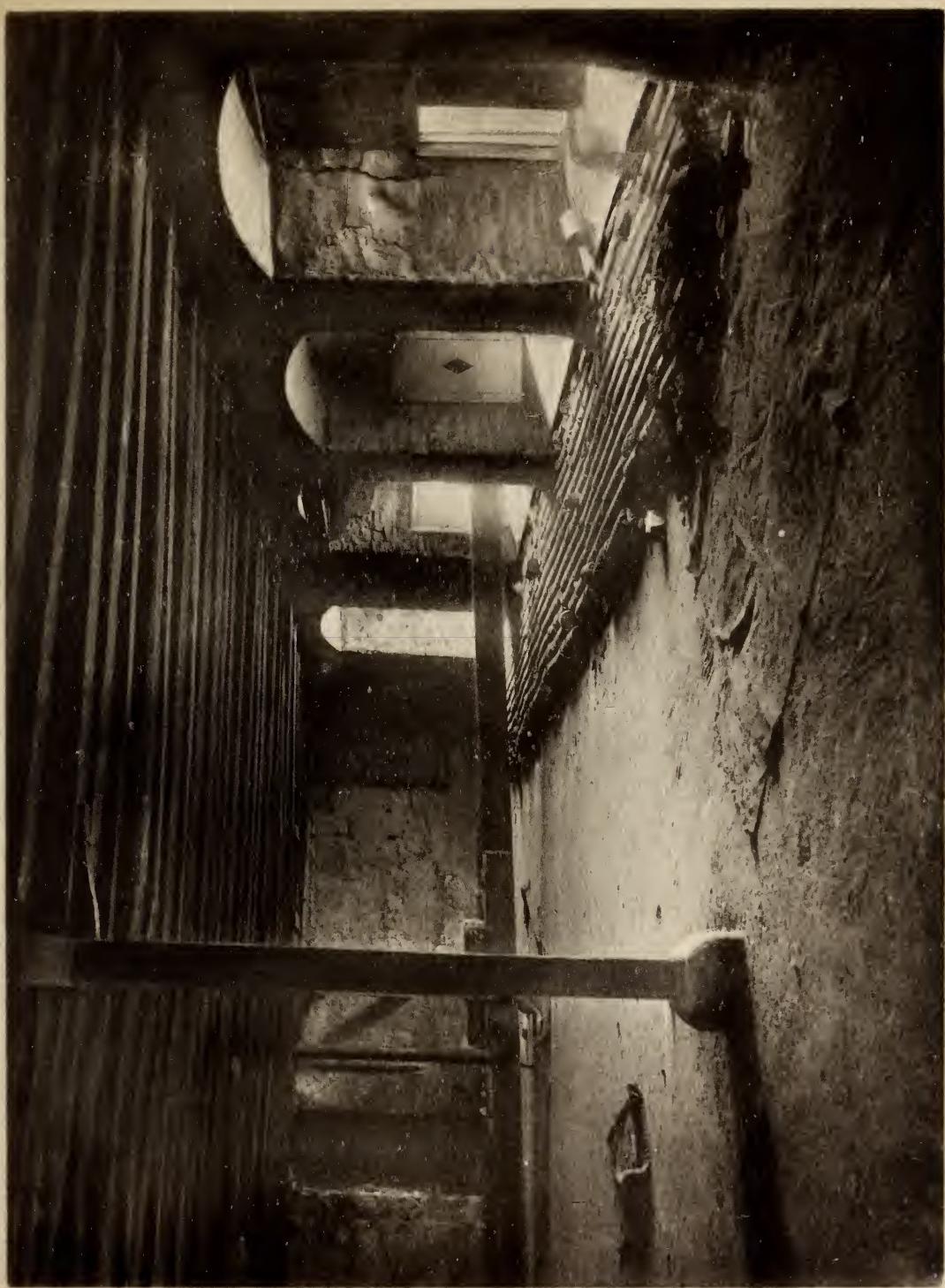
Fig. 3.—Plan of Ground Floor, Tailors' Hall.

SECOND FLOOR, TAILORS' HALL
(Fig. 4)



FIRST FLOOR, TAILORS' HALL

(FIG. 5)



century. The projecting tower at the east end contains the wide wheel stair, and so converts the simple oblong building into the L plan so characteristic of the seventeenth century. At the west end of the Hall, and extending to Scott's Close, there are buildings of a kiln, a private room, etc., which have no connection with the Hall as such till a later period. Here we may explain that the Cowgate lies in a narrow valley about 60 or 70 feet below the level of the High Street on the north side, and with such a steep rise on the south side as would have been impracticable for the purpose of the Tailors' buildings, being a gradient of about 1 in 6 or 7, so they cut into the hill and made a suitable slope for buildings and courtyard ; in this way light could only be obtained from the courtyard, except in the upper part of the hall where it rose above the sloping ground.

The building has been very freely dealt with during its later history, and with no regard to what one may suppose to have been the original intention. The entrance to the Hall has been changed and its old doorway built up, and the Hall floor has been raised about 3 feet to the level of the window-sills. A new storey has been added, and the main stair has been continued upwards to serve the same. Timber beams beneath the joists in the centre of each ceiling supported by timber posts all strongly trussed, as seen in the photographs (Figs. 4 and 5), have been added. All this has been done for supporting heavy loads of grain, malt, and the heavy business of a manufactory. The first floor (see Fig. 5) is occupied with the stone borings brought up by the drills, about $4\frac{1}{2}$ inches in diameter, when boring for water, and, as already said, there is hardly any suggestion about the place of any corporate use or purpose, such as we know from references given in Part I. existed to a certain limited extent.

The ground floor is at present an open space, measuring about 53 feet 6 inches long by 23 feet wide, with one or two separate compartments divided by temporary timber screens,

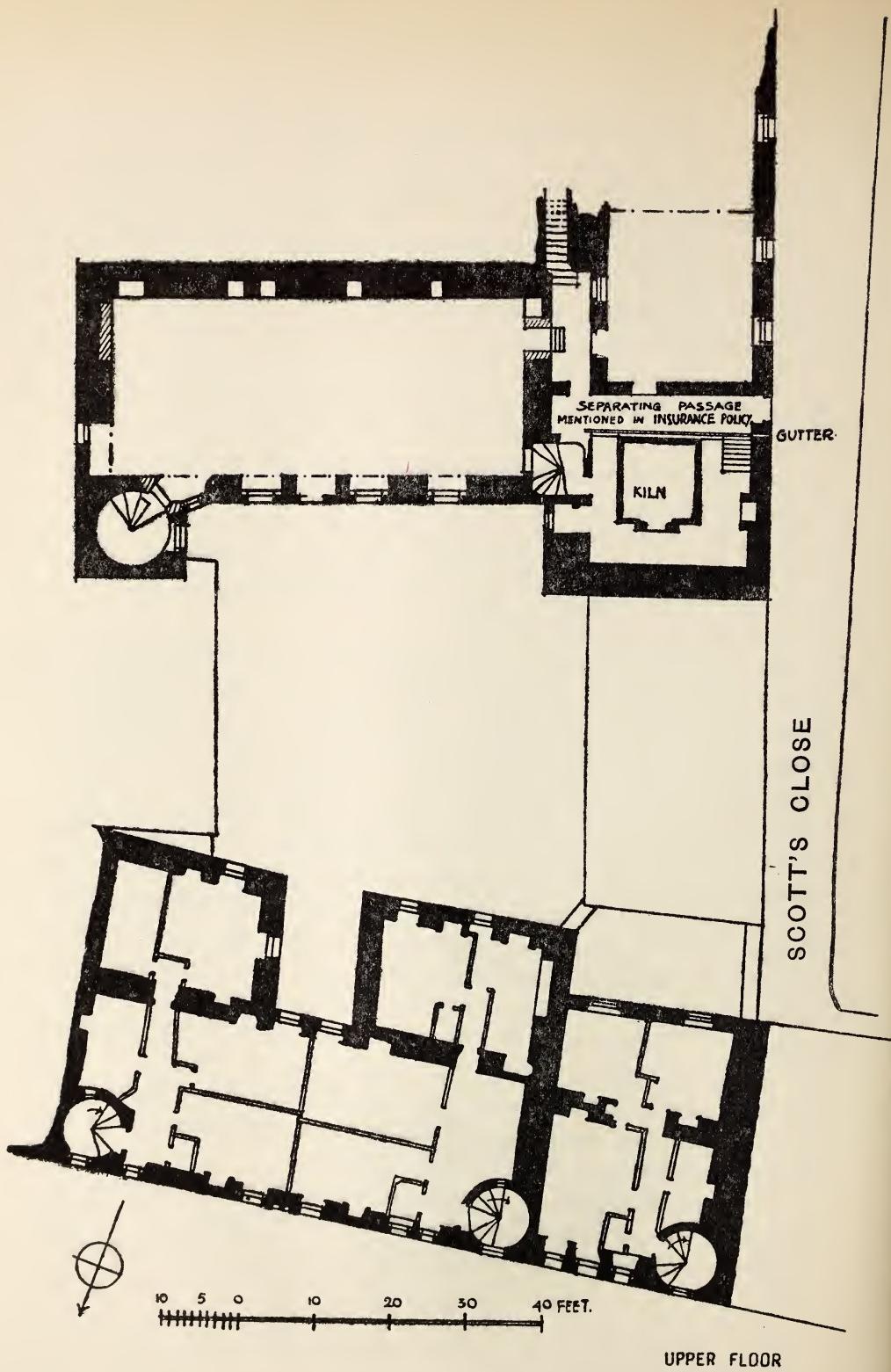


Fig. 6.—Plan of Upper Floor, Tailors' Hall.

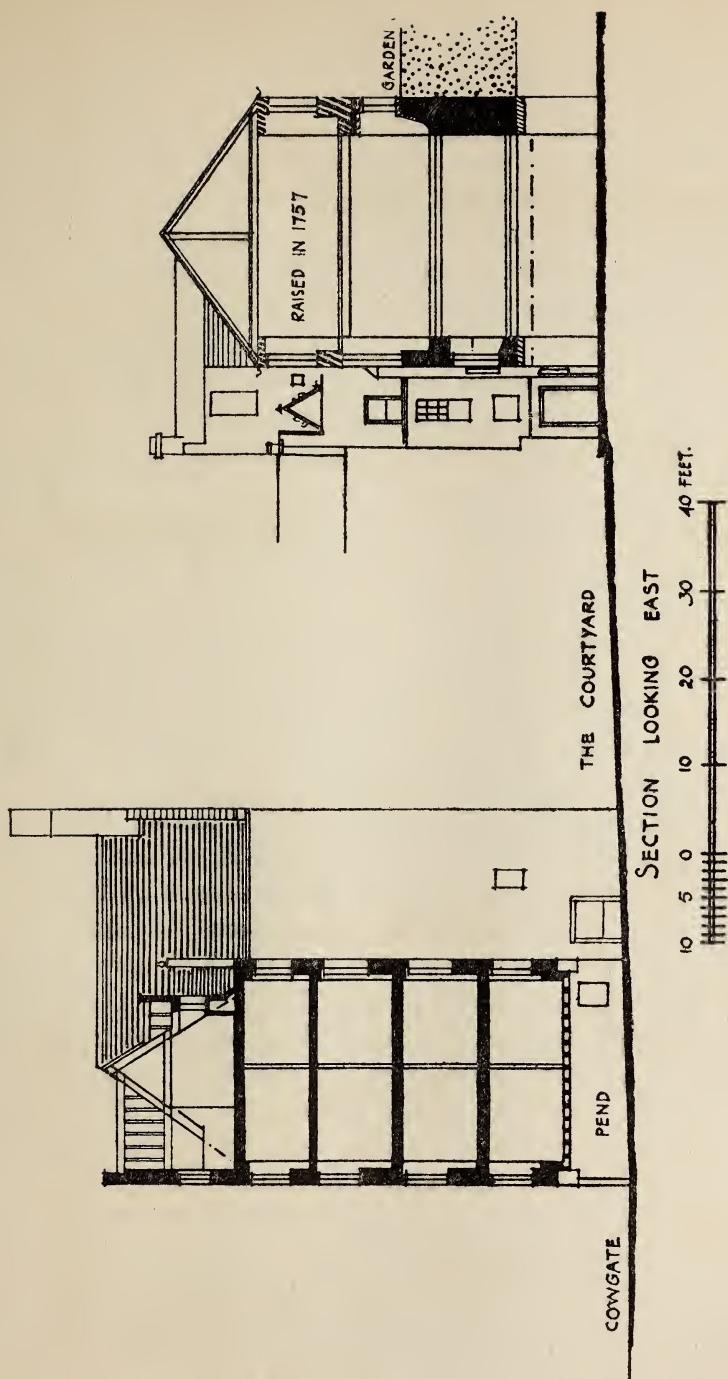


Fig. 7.—Section of Tailors' Hall Building.

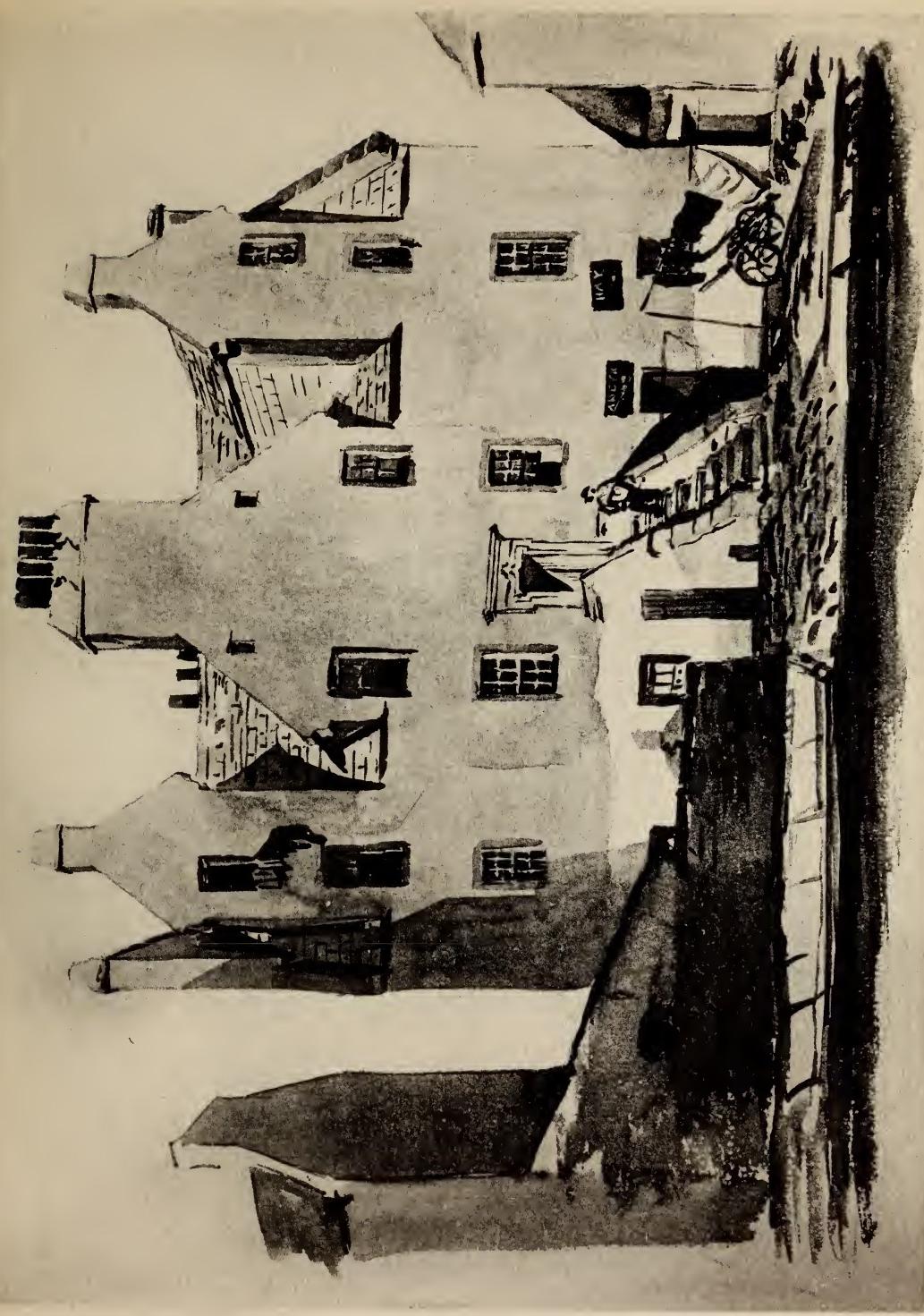
with an enclosure for a pumping engine over a well at the place shown on plan. A tunnel beneath the back garden and in connection with this floor extends southwards for a distance of 77 feet 4 inches by a width of 29 feet 8 inches, and there is a considerable enlargement of the floor space at the back on the east side; the whole of this is well lighted from above, and is of modern cast-iron construction.

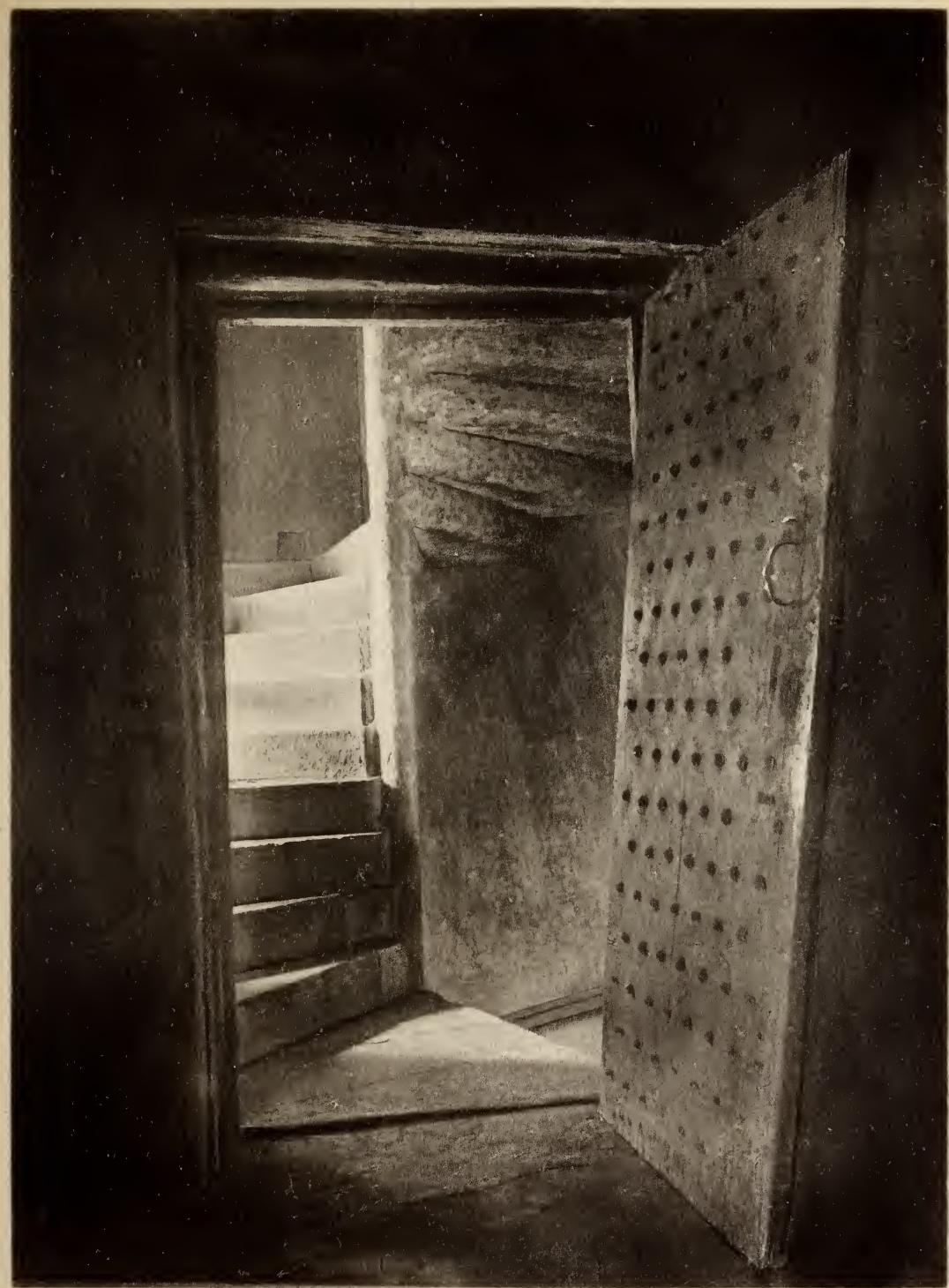
The Hall on the first floor did not, as might have been expected from its spacious and easy construction, enter from the wheel stair, but by a stair leading up from the courtyard in front of the door. There were several contemporary mansion-houses in the locality which had their principal entrance in this manner, and we reproduce our sketch, made in 1869 of such a one, called Broadstairs House, which was taken down about thirty years ago (Fig. 8). It is, of course, quite probable that the stair for the Hall might have been of a more imposing design than was considered suitable for a private house. The doorway is a simple dignified design, having a broad back-fillet round the opening with a sharply relieved bead on the inner edge, with the upward turned quirk in the centre of the lintel; this latter feature will be also seen in the sketch of Broadstairs House. The doorway is differentiated from the windows by being at a lower level and by having its lintel shouldered at each end.

The second floor over the Hall was reached by the wheel stair, a view of which, given in Fig. 9, shows the picturesque effects of perspective and light and shade that these old features often present. The fine old oak door, iron-studded, will be seen on the right hand of the picture. It is rather curious that it should be over the doorway to this secondary hall that we find the following inscription, which must be regarded in the light of events as a somewhat inflated one. Inscriptions are generally placed over the principal doorway, and the abnormal position of this one is accentuated by the appearance of a paraphrase of it on the dormer high up on the

BROADSTAIRS HOUSE

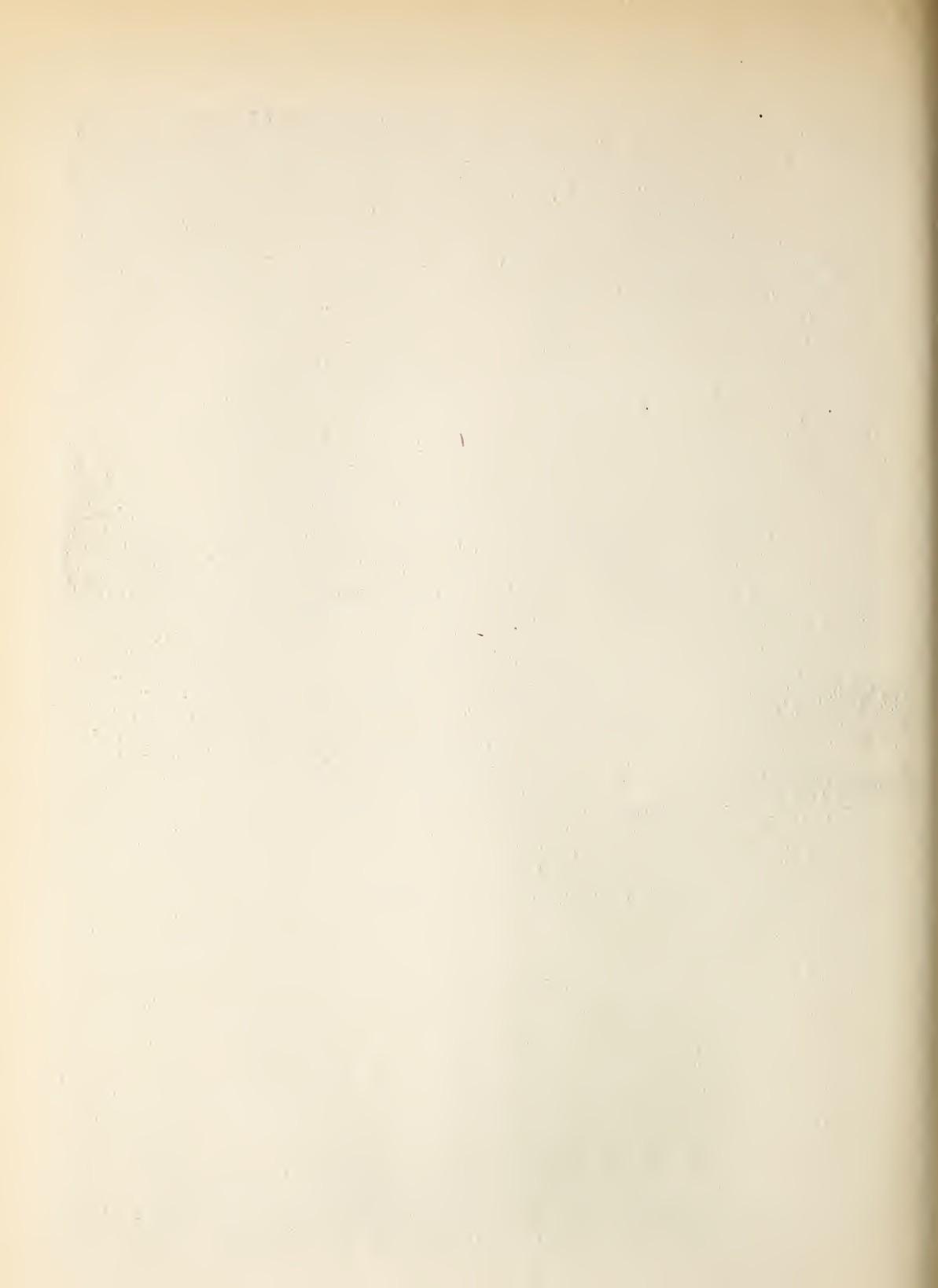
(Fig. 8)





(FIG. 9)

STAIRCASE, DOOR, AND DOORWAY, TAILORS' HALL



wall-head over this door (see Fig. 10). The inscription is as follows (see Fig. 11) :—

TO THE GLORIE • OF GOD • AND VERTEWIS • RENOWNE •
THE CWMPANIE • OF • TAILZEOVRS WITHIN THIS • GOOD TOVNE
FOR MEITING • OF • THAIR • CRAFT • THIS • HAL HES • ERECTED •
IN TRVST • IN • GODS • GOODNES TO • BE • BLIST AND • PROTECTED

The doorway itself is a very fine example of its period, and one of the best remaining in Edinburgh. It is beautifully moulded along its jambs and lintel, the latter being a large stone 6 feet long by about 1 foot 9 inches high. The raised lettering is in four lines, with the date 1621 skilfully brought in as shown on the photograph; the whole thing is very perfect in its style and quite charming. While it may be noted that rhyming dedications are not very common, the ligatures and the irregularly placed points of division should be noticed. This floor is just a repetition of the one below, except that it has windows in the south wall as shown in Fig. 4. From this landing a projecting stair turret at the ingoing angle of the L led up to a cape-house room over the stair. The built-up door to the stair may still be seen, although the turret has been removed when cape-house and upper flat came to be built. These cape-houses were generally a storey higher than the main part of the building, and so obtained that tower-like effect so dear to the builders of the sixteenth and seventeenth centuries. This was effectively done here by having a good-sized dormer window with a corresponding moulded pediment, which was richly adorned with fleur-de-lis ornaments, two at the base and one at the apex, with intermediate S-shaped scrolls on either side. These, it will be observed, are placed reverse-wise, quite an independent touch. This pediment still exists, as shown in Fig. 12, while Fig. 10 shows it in a nearer view. It is built in three courses of large stones with these respective

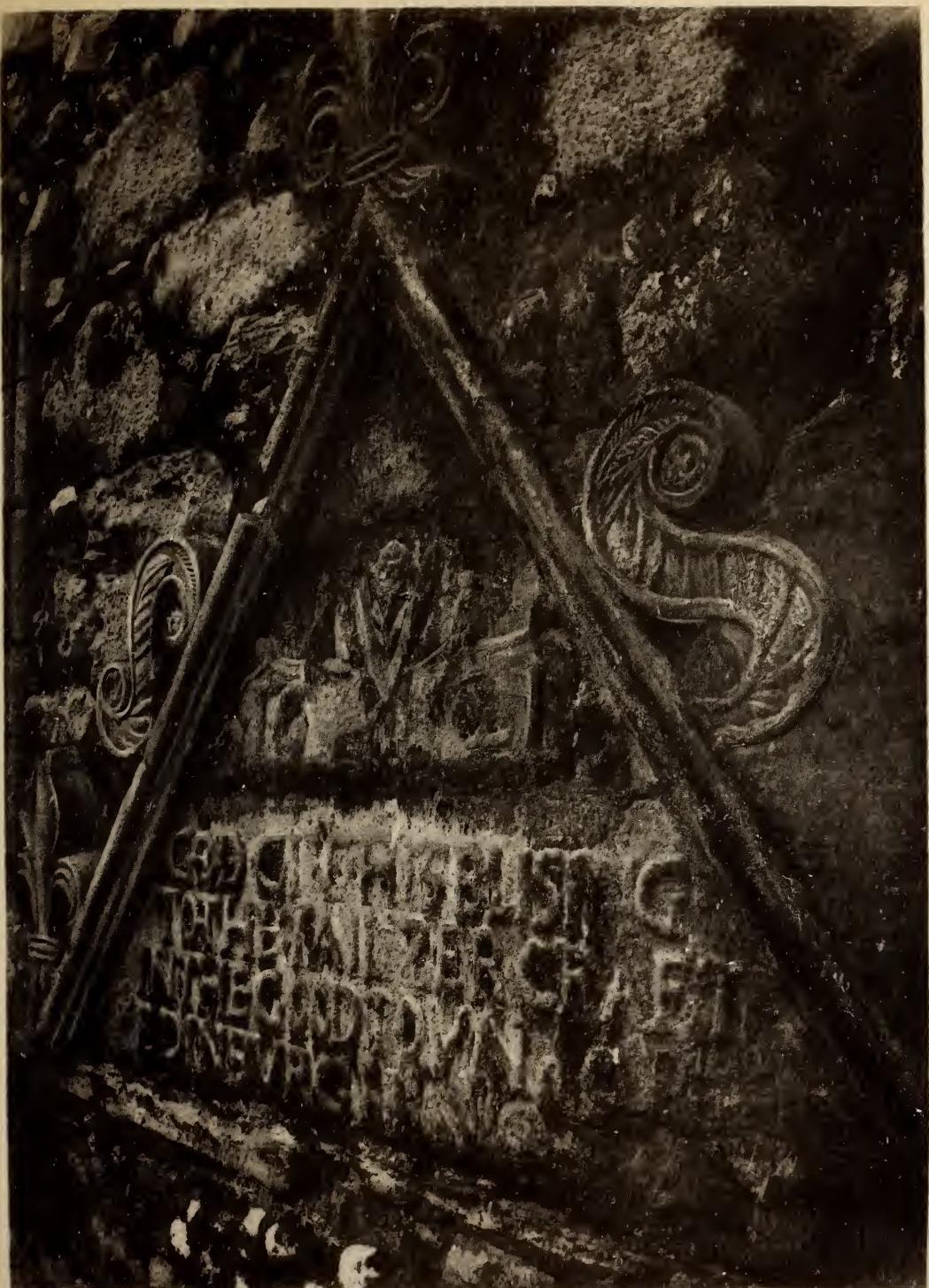
ornaments on the several stones, the paraphrased inscription just referred to being on the lower stone thus—

GOD GIVE HIS BLISING
TO THE TAILZER CRAFT
IN THE GOOD TOVN OF
EDINBURGH.

The other appears to have been ornamented.

In the year 1638 men's minds were taken up with the National Covenant, the particulars regarding the adoption of which will be found in Part III.

This was an event of great moment in Scotland, and at the same time it throws considerable light on the history of the Hall. We see the actors in this incident of the Covenant in great numbers moving easily about from the Hall in the then upper floor to the summer-house in the back yard: and when we consider the travelling conditions of the time, the absence of accommodation for travellers, the great crowd of visitors, and the probable poverty of many, we can only conclude that the Tailors' Hall on this occasion served also the purpose of an inn. All the circumstances point to the fact that Covenanters' meetings took place in the second or upper floor of the Tailors' Hall buildings. Parties would come in from the Greyfriars at the upper end of the Garden and enter, down a few steps, to the upper floor. The original entrance from the Garden to the upper hall will be seen on Fig. 13, built up and half concealed by beer-barrels, a very significant feature of the place. The doorway was distinguished from the walling by a broad polished and moulded back fillet having a neat cornice above—all now much mutilated. There was another access from the Garden, which by an open stair at the west end of the Hall led down to the lower hall, and to the passage leading to Scott's Close. To suppose that the entrance was by the Cowgate and through the courtyard would be to ignore the situation and the circumstances of the



(FIG. 10) INSCRIBED AND ORNAMENTED PEDIMENT OVER WINDOW
AT TOP OF STAIRCASE

EDWARD RICHARDSON
SENT GOD'S OWN
CHILD TO HELL
FOR THE SINS OF
HIS FATHER.
A MIZZY BOY
WAS HE,
BUT
HE
DIED
IN
HELL.

2

INScribed LINTEL OF DOORWAY AT FOOT OF STAIRCASE

(Fig. 11)

locality. It is quite interesting to remember that one hundred and seventeen years after this meeting of Covenanters the hall of this upper floor was the convening room of the Tailors, and that the two storeys below were used as malt lofts.

In 1648 a matter of less importance than the foregoing, but still one of national concern, came to be discussed in the Tailors' Hall. The gentry were aggrieved against the great nobles for having obtained power from Parliament to reduce the former to be their vassals instead of being vassals to the Crown. Sir John Scot of Scotstarvit was included among the sufferers. He was not the man to submit to this quietly, and he tells us 'I gott warrand from 14 shyres to complane to the part^t in there names and to urge the act to be made in the gentries favours and they commissionat some principall barrons to second me in that bussines being 80 persons in all at a meeting in the tailzeours hall qhere sir Joⁿ was president.'¹ Some considerable time before this Sir John met accidentally in Edinburgh with some of his aggrieved friends, 'quho behoved to meete privatlie in the Cowgate for feare to be apprehended by the counsellors and noblemen, and there presently he penned the petition of the gentry anent ther teynds possest be noblemen and titulars of kirk Lands.'² So we may presume that there had been other meetings in the Hall besides the above one.

At the west end of the Hall there is a projecting building which extends to Scott's Close occupying No. 11. It is of a complicated plan and has been knocked about a good deal. The ground floor is old, as is the upper floor; the intermediate building seems to be of last century. The ground floor is an arched apartment and measures inside 20 feet by 13 feet by about 6 feet high. Over this, and entering from the first floor of the Hall and down five steps from the same, this space is

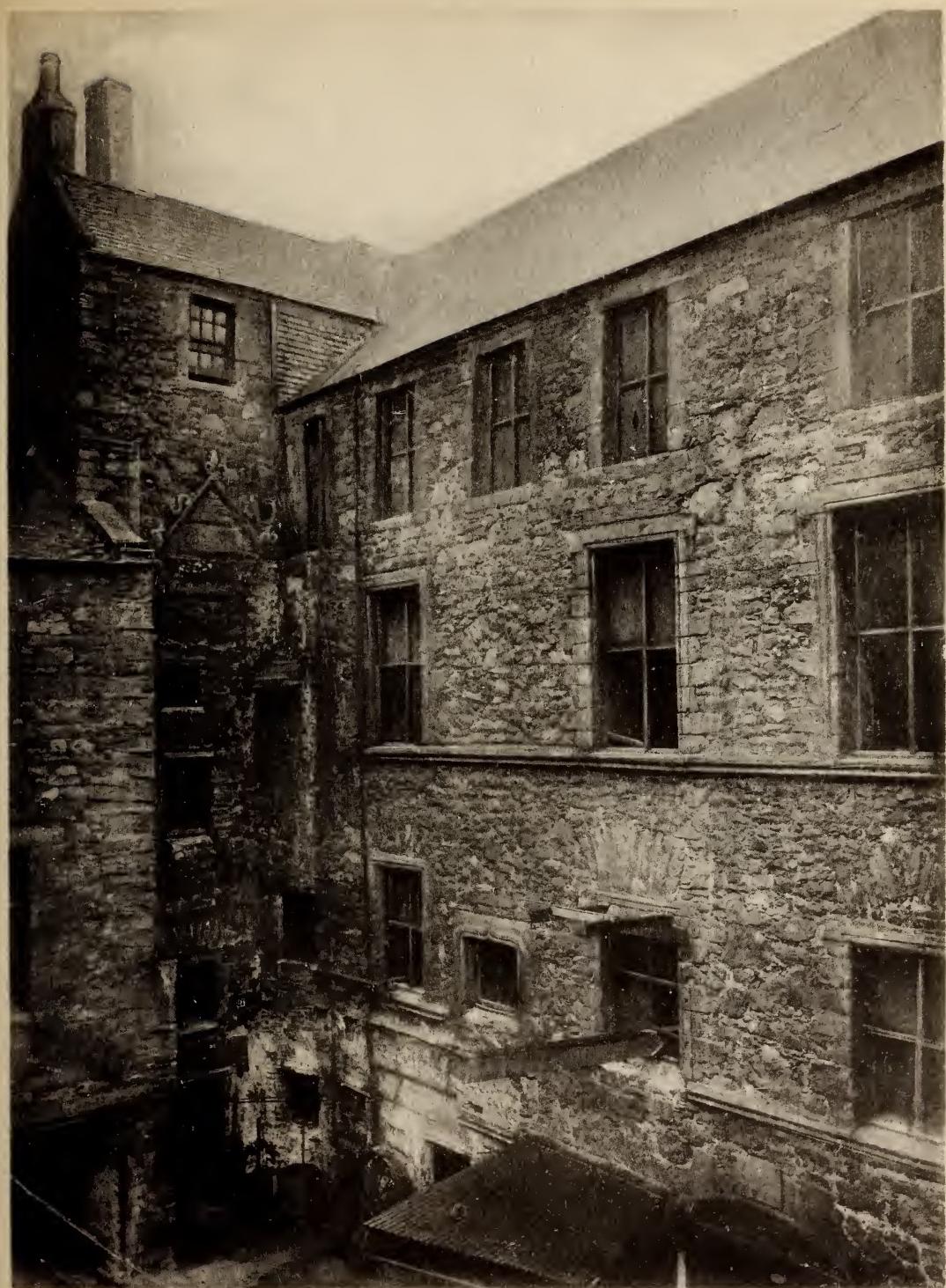
¹ Scotstarvit's *Trew Relation*; see *The Scottish Historical Review*, vol. xii. October, p. 76, by Geo. Neilson.

² *Ibid.*, p. 190.

occupied by a kiln with a passage round it, and having an ordinary fireplace, which seems to indicate that this was a room before the introduction of the kiln. Some 5 feet up from kiln floor there is a wide passage which leads out to Scott's Close. This passage is on the original level of the sloping ground, and is now about 3 feet 6 inches above Scott's Close level. Along one side of this passage there is an open gutter with an outlet to the Close, which seems (outlet and gutter) to be of old construction, but at present serves no purpose. On the other side of this passage and at a higher level by about one foot, also adjusted to the rising ground, there is another room which was about 23 feet long by 20 feet wide, which has an entrance also on the east side adjoining the Hall. From this passage a stair of 18 steps leads up to the back garden.

This room has been shut up and out of use for many years, doors locked and key lost. It was reserved to themselves by the Incorporation for a meeting house during Kincaid's lease, as also the garden, etc. Towards the end of the eighteenth century there were regrets amongst some of the members that the use to which the Hall had been put did not quite correspond to the ideas of the founders of the Incorporation, and that they had nothing to show regarding their corporate civic life but bare walls and pious inscriptions, with no reference to reality, but it was not till near the end of the first quarter of the nineteenth century that anything was done to remedy these omissions, when, on the 19th November 1822, a portrait of His Majesty King George IV. was hung on the wall of this room. Three months before this His Majesty landed at Leith on his memorable visit to Scotland. One wonders if the portrait was painted while he was in Edinburgh, who was the artist, and where it is now? Where are the two brass candlesticks and other things got for the Hall about the same time? Is it possible that all these still exist, presided over by the king for one hundred years?

The variety of uses to which these buildings were put was



(FIG. 12)

SOUTH-EAST ANGLE OF COURTYARD



(FIG. 13) UPPER STOREY, ADDED BY PROVOST KINCAID, AS SEEN FROM OLD GARDEN

The upper part of original doorway leading from Garden down to Hall is seen built up.

to be increased in 1757, when Alexander Kincaid became tenant of the upper floor as a printing room for the rent of £30 sterling per annum. This evidently refers to the upper floor only. The place was in need of repairs, and, as we have seen, considerable sums of money were raised for these, the Tailors contributing £300. The top storey was in all likelihood erected at this time, as there is a payment to a joiner for taking down the old roof as the first step to be taken for effecting this purpose. The new work, however useful it may be, has not added to the dignity or interest of the place. Thirteen years later, in 1770, liberty was given to Kincaid to strike out windows in the back wall. These are necessarily confined to the upper part of the wall, the sills being a few inches above the level of the surface of the back garden.

The picturesque building facing the Cowgate, with the wide centre pend leading to the courtyard (No. 1) and having a frontage of about 65 feet 6 inches, and the tenement to the west extending to Scott's Close and having a frontage of about 25 feet 3 inches, are undoubtedly the finest examples of old Scottish street architecture remaining in Edinburgh, and we question if there is anything better in any other town. They are contemporary, the larger dated 1644 and the other 1643. They are about 60 feet high, but being in a very narrow street they are not very well seen, and to make this defect worse, somewhere about thirty years ago a building towering 10 or 20 feet higher was allowed to be built on the opposite side, surely violating all modern sanitary requirements. It made a darkened dismal street, and to rectify this it was recently proposed to take down the fine old Tailors' Hall buildings, and so let in light to the street which had been darkened by these modern structures. Fig. 14 gives the whole elevation, while the photographs, Figs. 15, 16, 17, exhibit its upper parts. The elevation is very arresting, and owes its fine effect to its diversified skyline and the happy grouping of all its parts in one straight surface. There is at each end

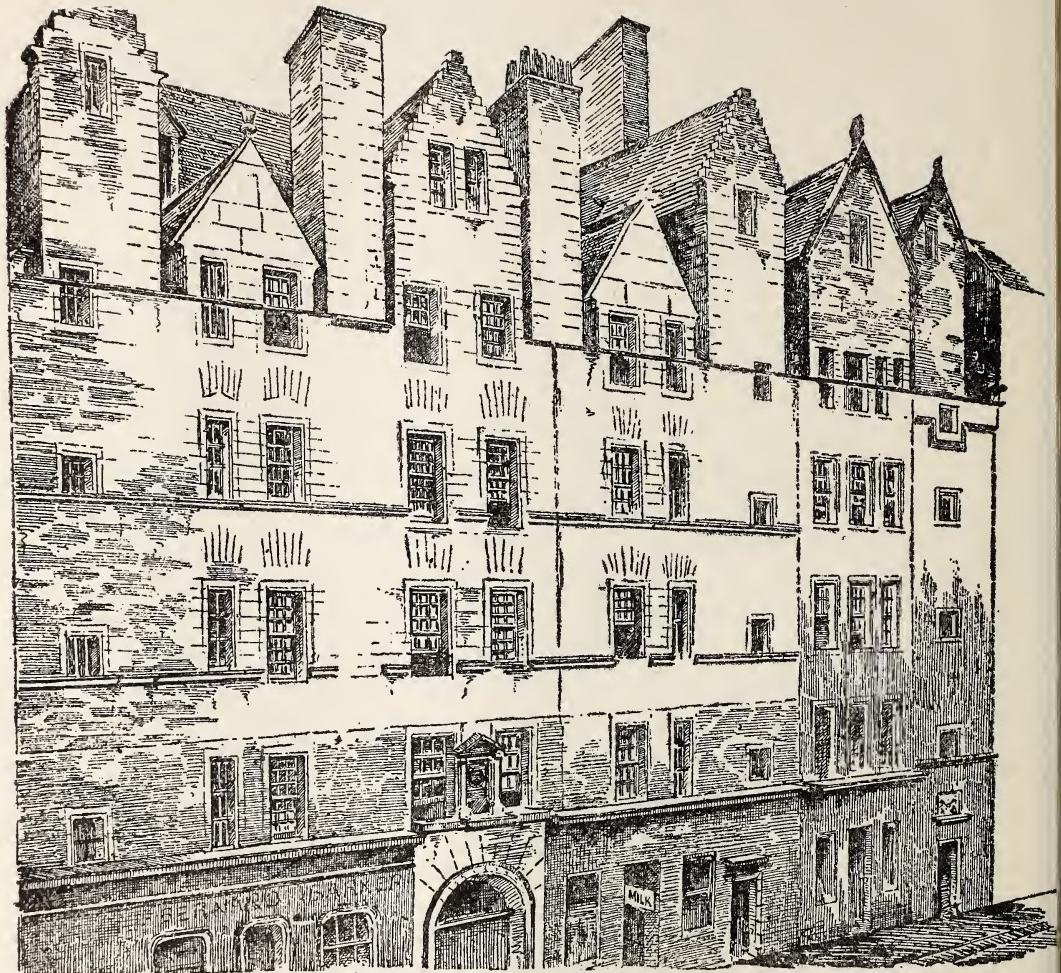


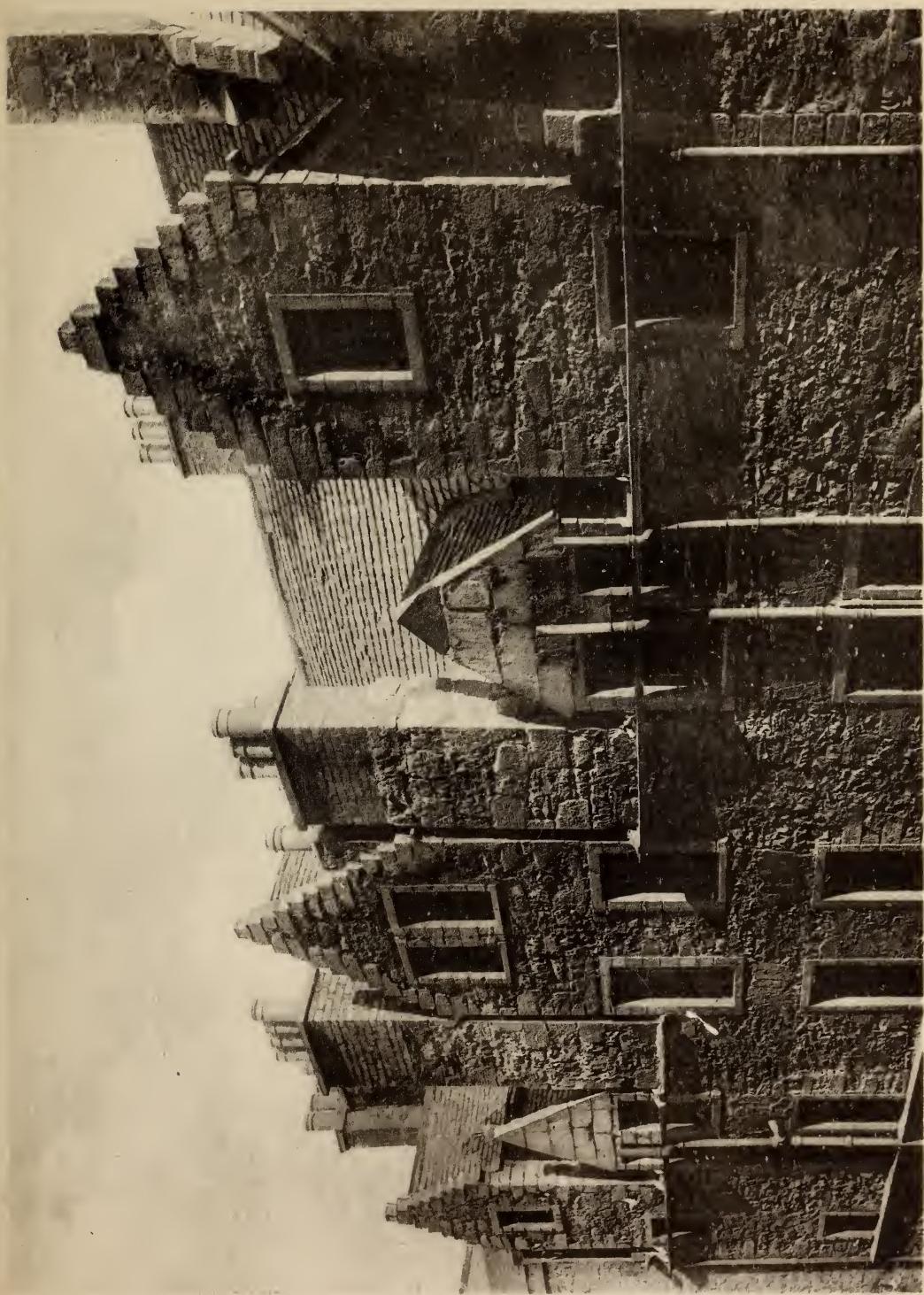
Fig. 14.

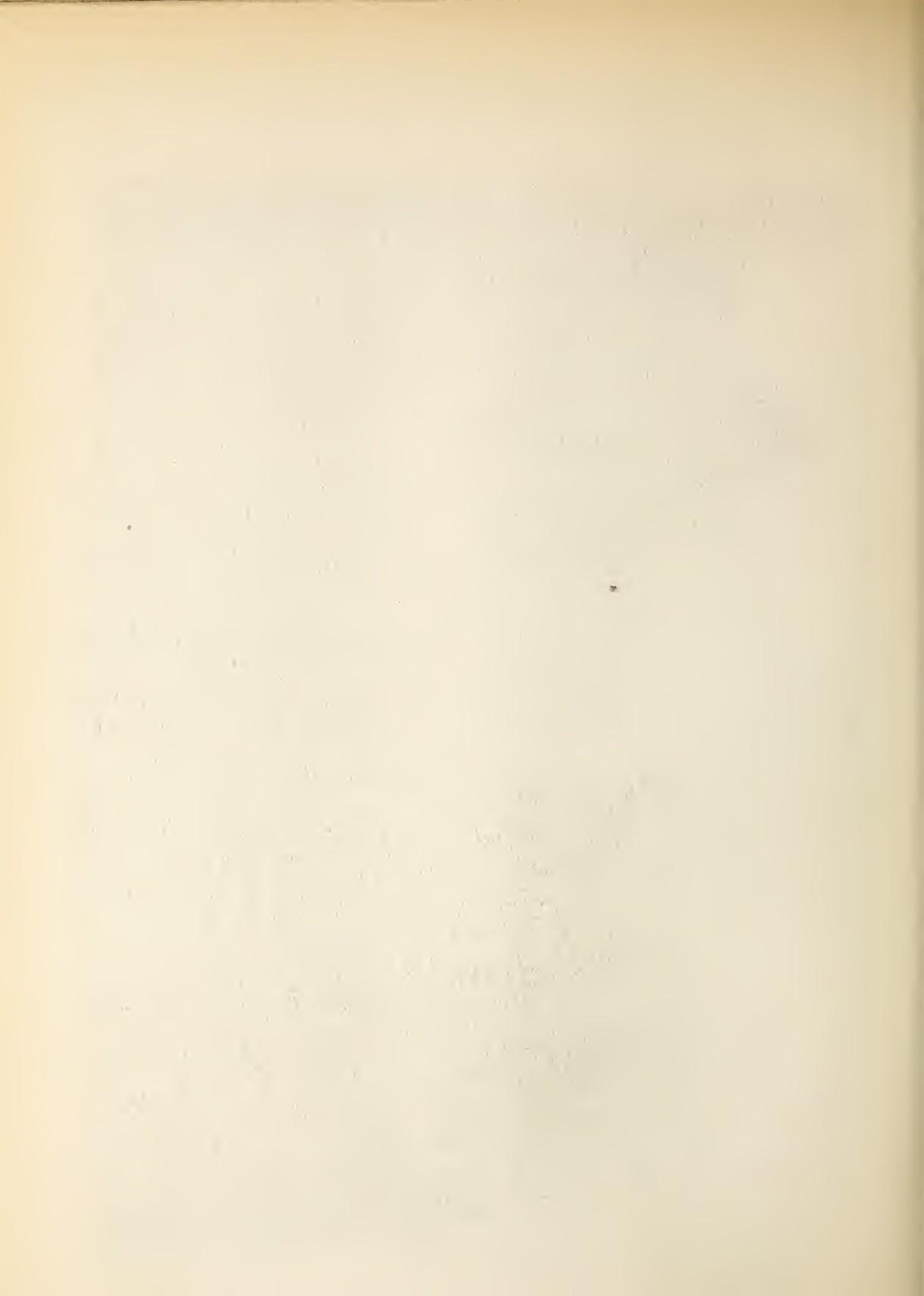
Tailors' Hall Building fronting Cowgate.

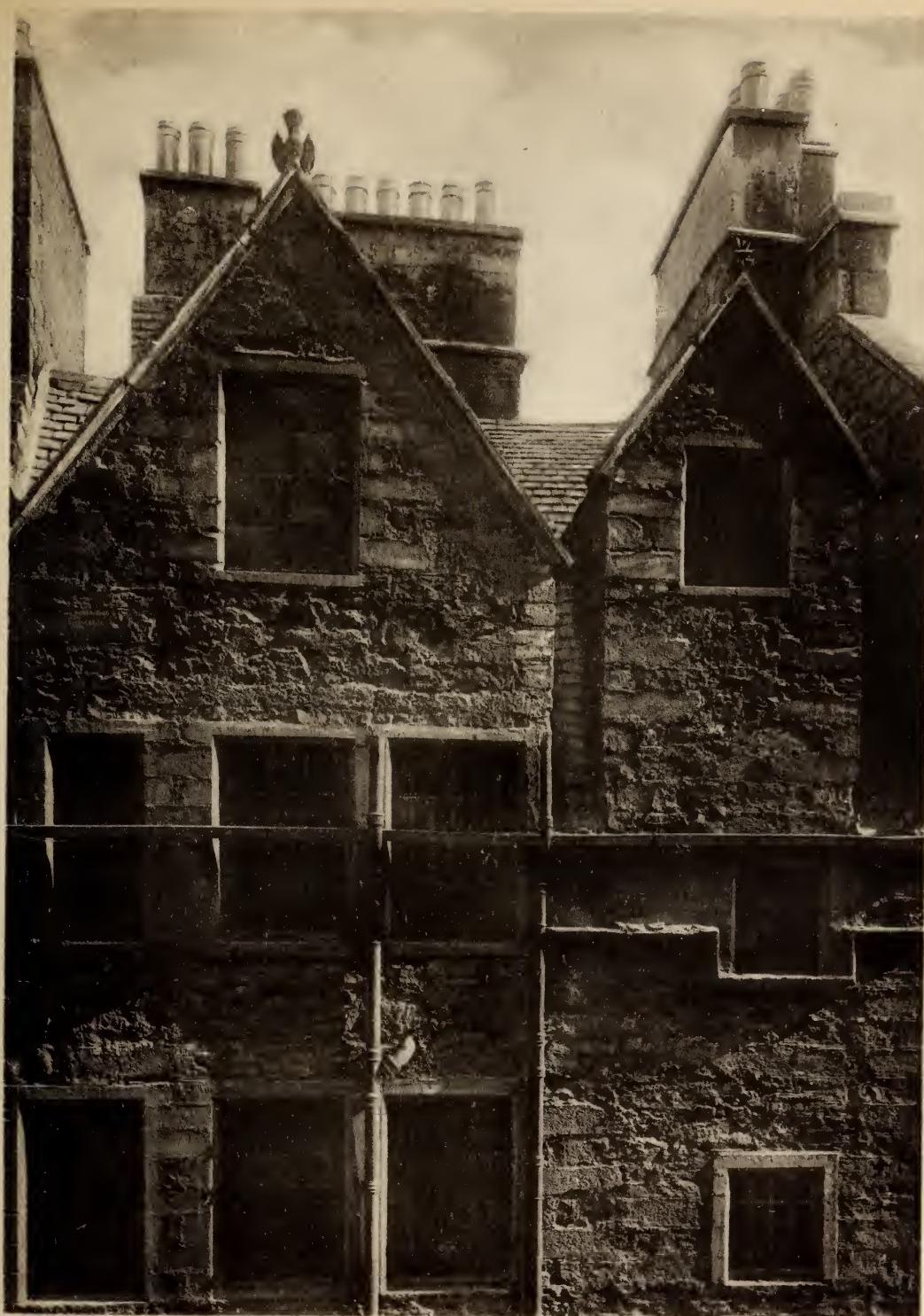
West Building
at Scott's Close.

TAILORS' HALL BUILDINGS FRONTING COWGATE—SKYLINE DETAILS

(FIG. 15)





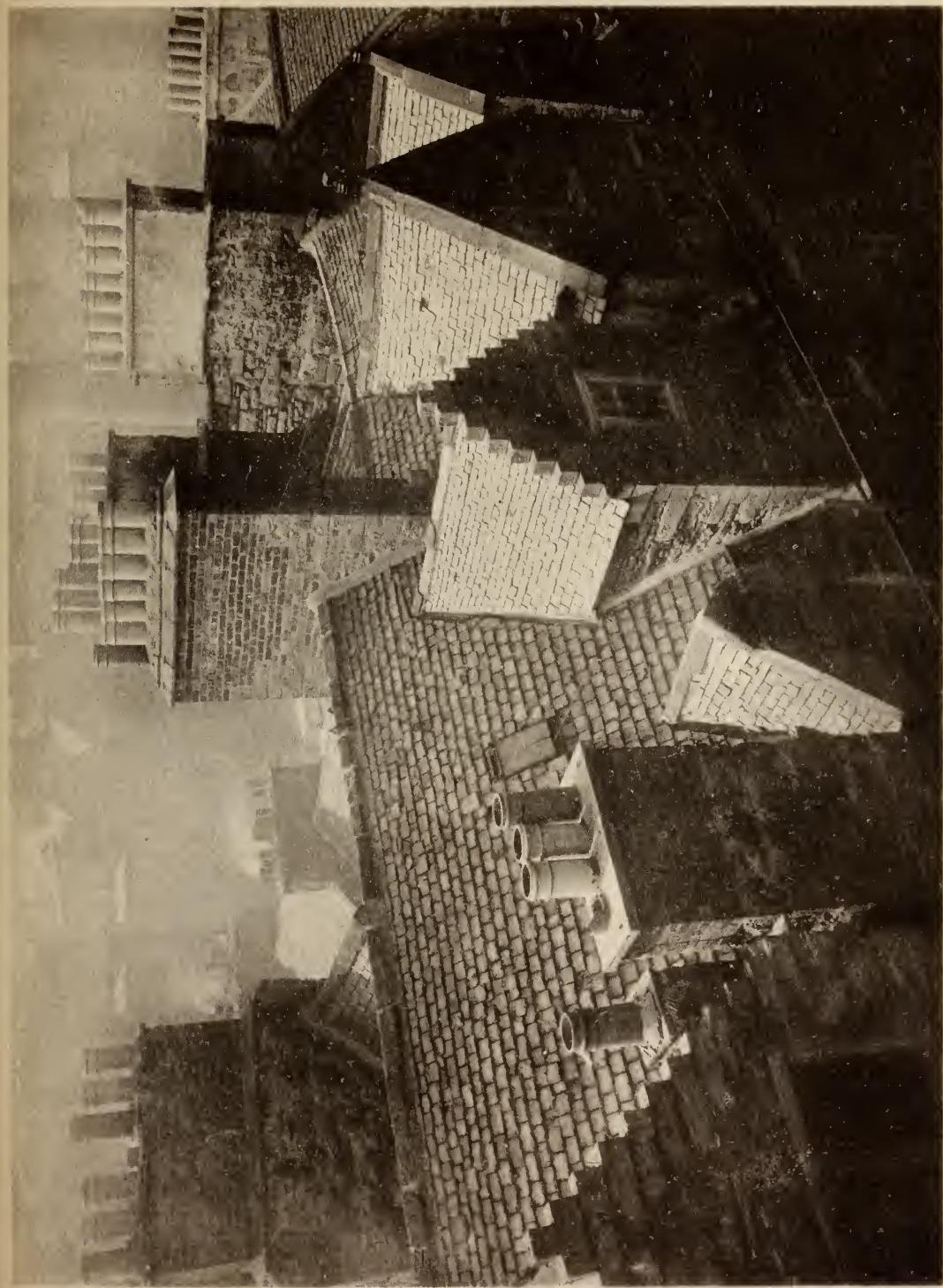


(FIG. 16)

NARROW BUILDING ADJOINING SCOTT'S CLOSE—
SKYLINE DETAILS

TAILORS' HALL BUILDINGS FRONTING COWGATE—ROOFS

(FIG. 17)





of the main building a common stair with entrance door, with small-sized windows for lighting the stair. These windows are not placed over the doors but a little to one side. Over this there is a lofty crow-stepped dormer with a centre window of good size: this is the arrangement at each end. In the centre of the front there is an arched wide entrance, with windows in the upper storeys, and on the first floor, between the windows, an ornamental panel (see photograph, Fig. 18). Above there is a wide lofty dormer, finished by a crow-stepped gable with double window in apex. On each side of this gable, and close to it, there is a substantial lofty chimney, these features constituting the centre of the design. On the two remaining sections on each side of the centre, and extending to the already described end-compartments, there is a wide double dormer window of one storey, the gables of which are plain, not crow-stepped, but with thistle termination finials. There are dormer windows of wood above these on the roof. It will probably be found that in the best work throughout Scotland small dormers are seldom finished with crow-steps. The street floor contains two shops, one on each side of the wide entrance. The front of each has two windows with a door between. The east shop has these openings very neatly moulded with a small wood frame rounded at the corners. The other had the openings splayed and is at present in a very forlorn state. Over the shops there is a timber cornice, and beneath the second and third floor windows a moulded stone string-course breaking at some of the windows. While the striking skyline arrests the least observant, one notes also the simple arrangement of the windows in pairs near each other, and not always of the same width, with the wide expanse of masonry between the groups. When these things are perceived, one sees how very carefully the whole has been designed.

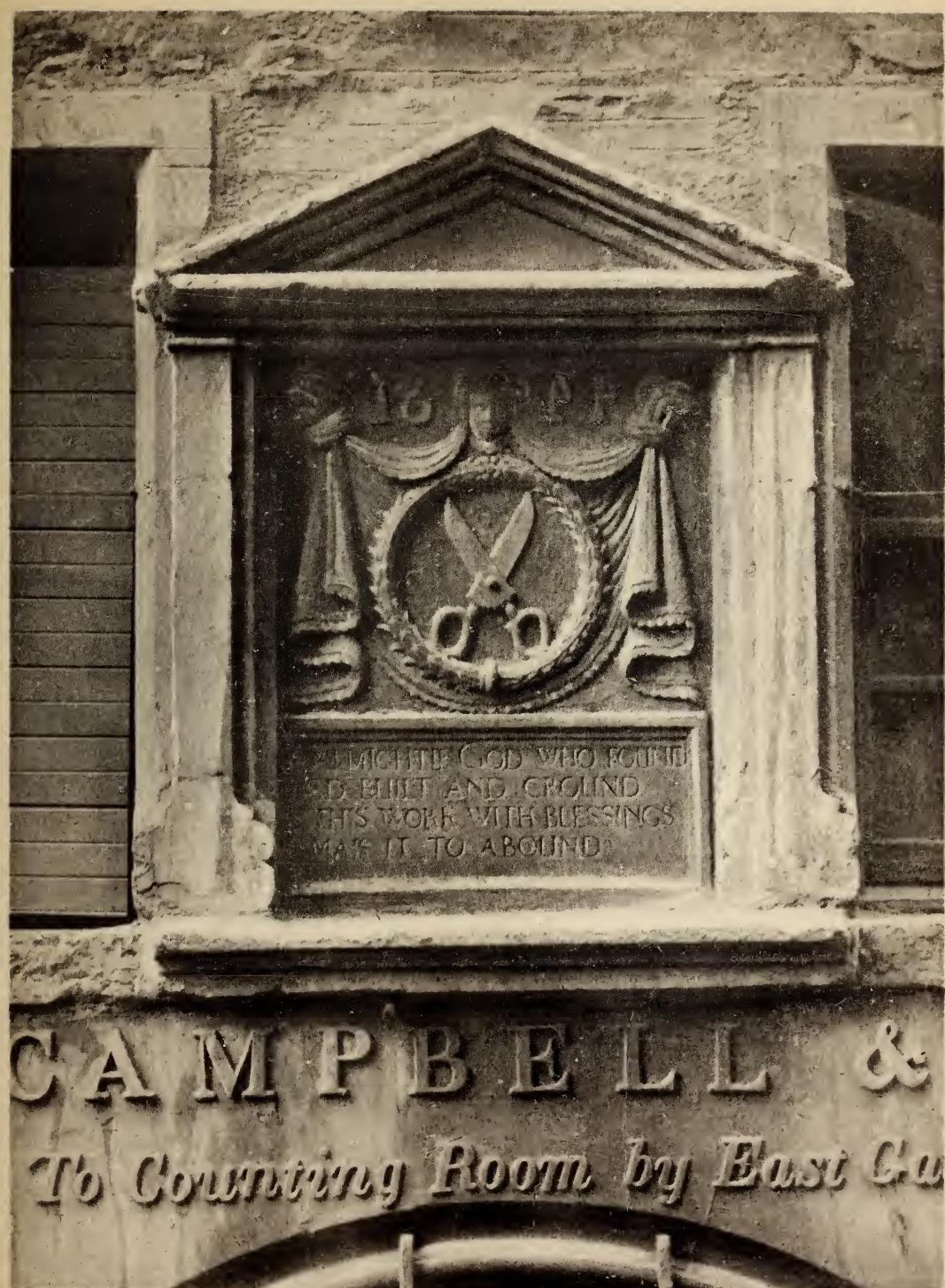
We may here take a rapid look at the plan of the tenement. It is a block measuring about 66 feet long by about 25 feet

wide, and with two back wings, shown in Fig. 19, separated by a space open to the sky 10 feet wide, the whole width from back to front being 43 feet. This main block with wings is very reminiscent of Scottish house-planning for long periods before and since. On each flat there are two houses of three and four rooms each. It is probable that the houses on the fourth floor included the attics in their accommodation. The narrow-fronted tenement to the west has a wheel stair and contains some three rooms on each flat, and was built at the same time as the one just described, is of the same height, as is also the shop front. The windows are arranged three to each floor, and the upper dormers correspond fairly well with those alongside except they are not crow-stepped. One of the rooms has a rather interesting plaster ceiling, very much worn by countless washings during the centuries (Fig. 20). In the centre there appears something like the bust of a woman with a feathered-looking headpiece. Another room, an attic (Fig. 21), is exceedingly quaint by its irregular shape, its sloping roof and upright walls, and its lighting. These houses have been closed for many years, and in their early days they were probably occupied by very superior tenants, but latterly this was quite reversed, the tenants being of a very rough class, insomuch that interiors are smashed and ruined, and only here and there are any traces left of interior finishings such as the above ceiling. Some of the rooms are very suggestive of snug comfort, where a happy contented life might have been led.

On the stair door lintel there is inscribed :—

R.H. O MAGNIFIE THE LORD WITH ME I.H.
AND LET US EXALT HIS NAME TOGETHER
ANNO DOMINI 1643.

Above the inscription is a carved panel representing two porters carrying a cask on a pole supported on their shoulders.



(FIG. 18)

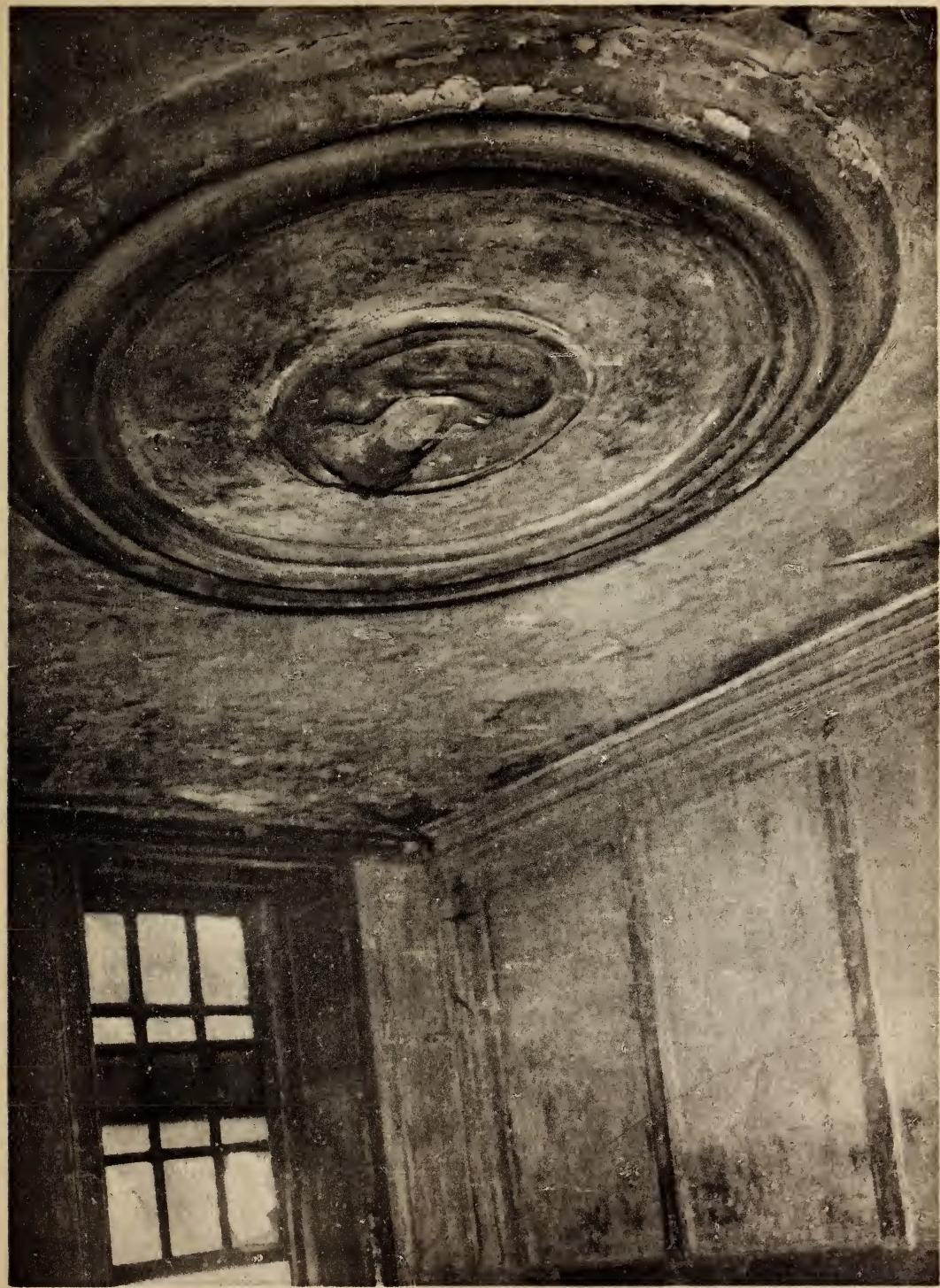
PANEL OVER ENTRANCE FROM COWGATE



(FIG. 19)

ELEVATION TOWARDS COURTYARD OF BUILDINGS
FRONTING COWGATE





(FIG. 20)

PLASTER CEILING IN COWGATE

A similar scene is sculptured, along with a ship and other things, on a stone in Tolbooth Wynd, Leith, dated 1678.¹

The sanitary arrangements of these houses may not appear to have been of a very satisfactory kind, tested by the standards of this century, but this science like all others is a progressive one, and it was not till the scourges of the early part of last century swept over the country that matters began to improve. But we have seen (see *antea*, p. 135), in regard to these buildings, that certain sanitary provisions were made in providing houses of convenience in the gardens behind, and the water supply was ample. As the interior construction requires to be renewed, it would be easy to supply modern sanitary arrangements and remove the modern building which blocks the back windows at the east end. The mason work is of a first-class kind, and the quality of the design of the elevations warrants us in reiterating our statement that this is the finest example of street architecture of the old Scottish style remaining in Scotland.

We have already seen some of the diverse purposes to which the Tailors' Hall was put from its first beginning, and have referred to these frequently, and it will be seen from Part III., by Mr. Forbes Gray, that this diversity of purpose was the constant and ever-abiding feature of the place, to an extent unparalleled by any old building in Edinburgh.

With the appearance of the theatrical performances, in connection with which we read of the pit and gallery for the audience and the stage with its moving machinery for the actors, it becomes evident that the floors must have been adjustable to suit requirements. We have already noted that the level of the first floor entering from the fore stair was at a lower level by about three feet than it is at present. This additional height, with the power of adjusting the floor above, would provide space for the gallery, so that the Tailors'

¹ *Old and New Edinburgh*, vol. iii. p. 229.

Hall stands as, at least, one of the institutions which enabled Edinburgh to tide over the years between semi-medieval times and the present modern conditions of society.

THOMAS ROSS.

G. BALDWIN BROWN.

PART III.—TWO CHAPTERS FROM ITS HISTORY

The Tailors' Hall is closely associated with one of the most dramatic incidents in the ecclesiastical history of Scotland—the signing of the National Covenant. That event occurred on 28th February 1638; but on the previous day important preliminary steps were taken, and it is with these that the Tailors' Hall is connected.

Briefly, the position stood thus: The Presbyterian leaders were convinced that if Episcopacy was to be resisted effectually, the nation must be united against the ecclesiastical policy of the Crown. This, they thought, could best be realised by renewing the 'Second Covenant'—a negative Confession of Faith drawn up in 1581, and signed by James VI. and many nobles and ministers. The choice of this Confession, rather than that of Knox and the first Reformers, has been described as 'a dexterous stroke of policy.'¹ The Confession of 1581, which merely condemned Romish doctrine, served two purposes. It virtually compelled the acquiescence of the King, and it obtained the sanction of many ministers who would have objected to subscribe the Confession of Knox.

On 23rd February it was decided by 'a conjunct motione from the nobilitie, gentrie, burgesses, and ministers' to modernise the King's Confession of 1581 by making 'such additions as the corruptiones of this tyme necessarlie requyred

¹ Hume Brown's *History of Scotland* (1912), vol. ii. p. 304.

ATTIC ROOM IN COWGATE

(Fig. 21)



HAC SI TU POSTULE
PATIONE CERTA FACERE Nihil PLUSA
QUAM SEDIS OPERAM UTRUM QVADRATONE INSANAS
SCIBERT FILIO MINTO BARONI
DAME HELEN STUART

INSCRIBED STONE BUILT INTO A MODERN WALL AT TOP OF GARDEN
It has no connection with Tailors' Hall, but belonged to the Minto Family house which stood thereabout.

to be joyned, and such Acts of Parliament as was against Poperie and in favours of the true religione.'¹ It was further resolved solemnly to protest against the Laudian innovations as alien to the Scottish mode of worship, and to take an oath of mutual defence in support of the Crown and of the Presbyterian religion. Such were the component parts of the National Covenant.

The preparation of this historic document was entrusted to Sir Archibald Johnston of Wariston and Alexander Henderson, both leaders of what is known as the Second Reformation. The draft was completed on 27th February, when it was read and criticised at a meeting of the nobles in John Galloway's house in Niddry's Wynd. Later in the day, the Earls of Rothes and Loudoun attended a conference of the ministers in the Tailors' Hall for the purpose of showing them the 'draught, and move their consent thereto.'² Rothes and Loudoun were accompanied by Henderson and Johnston of Wariston, the authors of the draft, John Adamson, Principal of the College of Edinburgh, and others. Previous to the meeting of the ministers, a private conference was held with the Commissioners of Presbyteries in 'the summer-house in the yaird' of the Tailors' Hall. Here the draft was read. Objections were made to certain clauses, and eventually it was agreed to 'mend that passage which binds the judgement, in so farr as concernes the Articles of Pearth.' At the close a vote was taken, when it was found that 'all the Commissioners were of one judgement.'³

The leaders of the Supplicants now entered the Tailors' Hall, where were assembled 'betuixt tuo or three hunder' ministers. Principal Adamson was chosen Moderator. The ministers were in a critical mood, being more conscious than the laymen of difficulties regarding the National Covenant. That much depended on the conference, is apparent from an

¹ Rothes' *Relation of the Affairs of the Kirk of Scotland* (Bannatyne Club), p. 70.

² *Ibid.*, pp. 72-3.

* *Ibid.*, p. 73.

entry in Johnston of Wariston's *Diary*, 1632-1639: 'Afternoon with great fears we went to the ministrie' (p. 321). Be that as it may, the harmonious meeting with the Commissioners in 'the summer-house in the yaird' of the Tailors' Hall inspired most of the leaders with hope.

The amended draft was read, and the ministers were informed that the Commissioners of Presbyteries had offered objections, though all had been removed 'partlie by cleer and full answers, and partlie by reasoning sumthing.'¹ There was therefore less reason for division among them. Nevertheless the ministers were desired 'to tell their minds befor they voted.' Rothes conveys the impression that there was unanimity. The ministers, he says, 'assented all with verrie great heartines, blessing the instruments of so good a work.'² This, however, is too favourable a view, as Rothes' own account shows. Several of the ministers did 'tell their minds.' Mr. Coline Adame, minister of Anstruther, 'craved to be sattisfied in some points,' and he was joined by Mr. Harie Fithie and a third minister (unnamed). The chief objection of Mr. Fithie and his nameless co-Presbyter was that having 'sworne to the Five Articles' (of Perth), they could not swear the contrary without being guilty of perjury. Ultimately the scruples of Mr. Adame and the unnamed minister were allayed. Mr. Harie Fithie's objections were more difficult to overcome. Rothes pleaded with him, and 'he took to advyse till the next day.' There was still another dissentient—Mr. John Home, minister of Eccles. He was at a loss to understand how the oath could be 'exacted of them.' Rothes replied that none could be compelled to take the oath, but it was expected that all would 'make their oath to God Almighty.'³ With this explanation Home 'rested satisfied.'

When all objections had been dealt with, the Moderator thanked 'the Lords and these that wer with him' for 'takeing the paines to come and communicate things with them,' add-

¹ Rothes' *Relation*, p. 74.

² *Ibid.*

³ *Ibid.*, p. 75.

ing that they had been ‘singular instruments, both now and befor, in so honest a cause.’ Rothes modestly replied. ‘They deserved no praise,’ for the keeping of so ‘great a multitude in ane unanimous concord (notwithstanding of the craftie machinationes of these who laboured a divisione) was God’s work.’ He desired their prayers that ‘respect of religione . . . might always remaine with the Supplicants,’ and that ‘God might make his owne work prosper in their hands, who aimed at the glorie of God, the peace of the Kirk, and honour of the King.’¹

Prayer having been offered by the Moderator, this memorable conference of Covenanting ministers in the Tailors’ Hall was brought to a close. There was much rejoicing over the harmony that had prevailed. ‘My heart did leape within for joie,’ writes Johnston of Wariston.² Rothes was also elated. ‘My Lord Rothes,’ writes Robert Baillie to a correspondent, ‘finding our great harmony, departed with the profession of great joy; for this union was the great pillar of the cause.’³ Next day (28th February) the draft of the National Covenant, which had been approved in the Tailors’ Hall, was signed by nobles, barons, ministers, and commissioners of burghs in Greyfriars’ Church.

On 1st March, Rothes, Lindsay, Loudoun, and others went again to the Tailors’ Hall to reason with those ministers who had doubts, but had been prevented from attending the conference two days before. After those who had been formerly ‘resolved’ (*i.e.* satisfied) had begun to subscribe, the noblemen, we are told, ‘resolved’ the doubts of the late comers in the ‘yaird,’ with the result that by night ‘towards thrie hundred ministers’ had subscribed.⁴ It would therefore appear that the National Covenant was not only approved in the Tailors’ Hall, but actually signed there by several ministers.

¹ Rothes’ *Relation*, p. 76.

² *Diary*, 1632-1639, p. 321.

³ *Letters and Journals* (1841-1842), vol. i. pp. 53-4.

⁴ Rothes’ *Relation*, p. 79.

The Covenanting episode of 1638 did not close the ecclesiastical history of the Tailors' Hall. After the Revolution, recusant ministers were in the habit of preaching within its walls, as the following extract from the City Records, dated 7th April 1691, shows :—

'The Council receives up the keys of the Magdalen Chapel and Taylors' Hall which had been set for public worship to the Ministers who were deprived of their charges for refusing to pray for King William and Queen Mary, and such Ministers are discharged from preaching in churches or elsewhere until they present themselves before the Lords of the Privy Council and take, swear, and subscribe the oath of alleadgance and engadge under thair hands to pray for King William and Queen Mary as King and Queen of this realme, and not to owen the late King James the Seventh for thair King.'

During the Cromwellian régime the Tailors' Hall was the court-house of the Scottish Commissioners appointed by the Lord Protector for the administration of the forfeited estates of the Royalists. In the *Diary* of John Nicoll, which covers the period 1650-1667, there is an entry to this effect :—

'This 16 day of Junij (1656), being Monday, ane Proclamatioun emittit in favouris of creditores to forfalt persones, that these creditouris, quho, as yit, haif not gevin in thair clames, sould yit be hard by the trustees, and thair clames resavit be thame being impowered to that effect, and ordanit that court to be haldin weeklie in the Tailzeouris Hall in Edinburgh' (p. 180).

Early in the eighteenth century the Tailors' Hall began a new chapter of its history—a chapter entirely different from the old. In the previous century, as has been shown, high-souled Covenanters had met within its walls and shaped anew the religious destinies of Scotland ; but from 1733 till some years after the opening of the Canongate Theatre in 1747, it was a playhouse where itinerant companies gave performances of mutilated versions of Shakespeare's plays and of dramatic pieces less reputable. At the beginning of the

eighteenth century the theatre, so far as Edinburgh was concerned, was non-existent. Occasionally strolling players came from England, but their performances were banned by the Kirk and interdicted by the magistrates. Such was the fate that overtook Allan Ramsay's playhouse in Carrubber's Close which, opened in 1736, was closed in June 1737. The ex-wigmaker had recourse to law, but received only the puzzling and comfortless verdict that 'though he had been damaged, he had not been injured.'

The proscription of the drama was such that when, in 1739, a Bill was promoted in Parliament to enable His Majesty to license a theatre in Edinburgh, the measure could not be proceeded with because of the determined opposition of the Town Council, the Dean of Guild Court, and the Principal and Senatus of the College. Nevertheless 'the clergy continued to rail against theatrical entertainments' by which 'a spirit of party was excited.'¹

But if the drama was moribund, it was not extinct. Plays were performed occasionally at the Tailors' Hall, though, in order to evade the penalty of the law, they were acted 'gratis' after a concert. Thespis assuredly was not honoured by these productions. Crude and jejune, they showed the histrionic art at its lowest, while their moral tone was that of the Restoration drama. The adaptations of Shakespeare by Dryden and D'Avenant, and the second-rate comedies of Georgian playwrights like Gay, Cibber, and Henry Carey, interspersed now and then with pieces of a higher quality, e.g. Addison's *Cato*, Steele's comedy *The Tender Husband*, or Allan Ramsay's pastoral *The Gentle Shepherd*—such was the kind of drama that brought a crowded audience to the Tailors' Hall. The prices of admission were 2s. 6d. for the pit and boxes, and 1s. 6d. for the gallery, the average drawings being from £40 to £45 a night. The performances were advertised, and from the files of the *Caledonian Mercury* it is possible to learn

¹ Arnot's *History of Edinburgh* (2nd ed., 1816), p. 282.

nearly all that there is to learn of the theatrical history of the Tailors' Hall.

On 6th June 1733 the Edinburgh Company of Players began a series of performances with the *Beggar's Opera*,¹ the proceeds of which were given to the Edinburgh Infirmary 'without the least drawback.' Then followed *Othello*, *Hamlet*, *Henry IV.*, and the *Humours of Falstaff*, the last a wretched *réchauffé*. The repertoire also included 'another of Shakespeare's excellent plays, *King Lear and his Three Daughters*.' During the summer months the Edinburgh Company made a tour in the north, but on 5th November they began the winter season at the Tailors' Hall with 'the favourite play of *Tamerlane*'.² On 26th December the citizens had the opportunity of hearing for the first time *The Tempest; or, The Enchanted Island*,³ 'with all the musick, sinkings, risings, new scenes, and other decorations proper for the performance.' It was evidently the custom at the Tailors' Hall for unauthorised persons to go behind the scenes, but on this occasion it was announced that only 'those who manage the machinery' would be admitted there. The doors of the pit and gallery were to be opened after four o'clock in the afternoon, though the performance was not to begin till six. In emasculating *The Tempest*, D'Avenant had the assistance of Dryden. 'The effect produced,' says Dr. Samuel Johnson, 'by the conjunction of these two powerful minds,' was 'that to Shakespeare's monster,

¹ This Newgate pastoral was first produced in 1728, and is the work by which John Gay (1685-1732) is best known. It ran sixty-two nights, and by the thirty-sixth had yielded the author fully £700. Gay visited Edinburgh in the company of the Duke and Duchess of Queensberry, and is said to have lodged in a 'land' in the Canongate opposite the ducal mansion of his patrons (Chambers's *Traditions of Edinburgh*).

² By Nicholas Rowe (1674-1718), the earliest of the Hanoverian Poets Laureate. The play was first produced in 1702, and on it Rowe staked his dramatic reputation. Its political feeling is shown by the fact that Tamerlane was William III., while the reprobate Bajazet represented Britain's enemy, Louis XIV. of France.

³ A mutilated version of Shakespeare's play by Sir William D'Avenant (1606-1668) and John Dryden (1631-1700). Both were Poets Laureate. D'Avenant succeeded Ben Jonson in the office. Dryden was the greatest man of letters of his time.

Caliban,' was added 'a sister-monster Sicorax ; and a woman who, in the original play, had never seen a man is, in this, brought acquainted with a man that had never seen a woman.' Such was the play which was received with 'universal applause' at the Tailors' Hall by 'the fullest audience that has been for some considerable time. . . . Every part, and even what required machinery,' was 'performed in great order.'

By 'desire of several persons of distinction,' *The Miser*¹ was performed on 2nd January 1734, and, five days later, in response to the wishes of several ladies, the actors appeared in *The Careless Husband*,² which was supplemented by the entertaining ballad-opera, *The Devil to Pay ; or, The Wives Changed.*³ For the benefit of one of the performers 'a play call'd *Macbeth*' and the opera *Flora ; or, Hob in the Well* were staged on 1st February. The former was Shakespeare's drama converted into an opera by D'Avenant with, says an authority, 'machines for the witches, with dancing, and with all that singing which still continues to disgrace this admirable tragedy.'

The Edinburgh Company seems to have remained at the Tailors' Hall till August, when the members went again on tour in the north of Scotland. On 4th November there appeared an interesting announcement. 'The Edinburgh Company of Comedians being returned from their travels, with success and a fair character, have since been busied in decorating and enlarging their stage and pit ; and constantly at their rehearsals getting up fresh plays. Next Wednesday

¹ By Thomas Shadwell (1642 ?-1692), the 'True Blue Protestant Poet' of the *MacFlecknoe* of Dryden, and the 'Og' of the Second Part of *Absalom and Achitophel*. *The Miser*, which is adapted from Molière's *L'Avare*, was first performed in 1671.

² Smollett thought this piece, the author of which was Colley Cibber (1671-1757), one of the best comedies of the age.

³ The author was an Irish writer of farces, Charles Coffey, who died in 1745. The work was produced in 1731, and is founded on a plot said to have been suggested by Sir Philip Sidney's *Arcadia*.

(6th November) they are to open their house with the excellent play of *The Kind Imposter* [sic]; to which will be added a comick tragedy in one act, called *Chrononhotonthologos*.¹ The tragedy and tickets to be had at Allan Ramsay's shop.' This was followed on 11th November by *The Relapse*,² to which was added 'a Pantomime Entertainment in Grotesque Characters; being the comic part of the celebrated *Perseus and Andromeda*: Intermix'd with several diverting scenes, from *Cephalus and Procris* and the *Burgomaster Trick'd*, with all the scenes, etc.' The expenses of this performance appear to have been considerable, as the Company announced that 'nothing less than the full prices will be taken.' The hope was also expressed that 'no gentlemen whatever will take it amiss, if they are refused admittance behind the scenes; it being impossible to perform the entertainment, if there is the least obstruction in that part.'

On 2nd January 1735 there was another performance of *The Tempest*; or, *The Enchanted Island*, 'with all the scenes, machines, and other decorations.' The piece was introduced 'by an entire new Sea Scene, with songs and musick proper for the same, also the original Furies song by M. Price and Mrs. Bulkeley; with the song of Dear Pretty Youth, set to musick by the late Mr. Henry Purcel.'³ Again the public were warned that 'on account of the representation of the sea,' they could not be allowed behind the scenes. On 15th January there was a gala night, on which occasion 'the

¹ By Henry Carey, who died in 1743. This burlesque tragedy, first acted in 1734, is on the lines of Henry Fielding's *Tom Thumb*. It is of special interest locally, because the names of two of the characters were applied by Sir Walter Scott to the brothers Ballantyne. James Ballantyne was Aldiborontiphoscophornio, John, Rigdumfunnidos. Carey was the writer of the well-known song *Sally in our Alley*.

² This play was written by Sir John Vanbrugh (1664-1726), who won greater fame as an architect than as a dramatist. *The Relapse* (1697) was highly popular in the reign of Anne and was praised by Pope.

³ Henry Purcell (1658-1695), greatest of English composers, was organist of Westminster Abbey and afterwards of the Chapel Royal.

several members of the most ancient and honourable society of Free Masons' marched in procession 'with aprons and white gloves, attended with flambeaux' to the Tailors' Hall, where was acted, at their request, 'the comedy of *Henry the Fourth.*' A benefit performance for Mrs. Bulkeley was given on 22nd January, when *Oroonoko*¹ and *The Devil to Pay* were staged.

The season closed probably soon after, for the next announcement did not appear till 18th November, when the Edinburgh Company advertised that on the following evening the members would act *The Tender Husband*,² together with a grotesque piece entitled *The Perplex'd Polander* in which the part of Harlequin would be taken 'by a person who never appeared in that character on the Edinburgh stage.' As an additional inducement the public were informed that 'all the parts' would be 'entirely new dressed.' On 22nd December performances were given of *The Drummer*³ and *The Hussar; or, Harlequin Restor'd.*

From 1735 till 1742 theatrical performances at the Tailors' Hall appear to have been discontinued. During the interregnum the Kirk was specially active in a crusade against the drama; but playgoers were not to be baulked. Besides, there was a feeling abroad that ecclesiastical censure had been carried too far. The result was that the theatre gained fresh patrons, and ultimately the accommodation of Tailors' Hall became insufficient. Encouraged by a fresh proof of public approval, the players now resorted to the expedient already referred to: they prefaced the theatrical performance (for which no charge was made) with a concert, usually of vocal and instrumental music. The following announcement of

¹ An adaptation from one of the romances of Aphra Behn (1640-1689). Oroonoko, the hero, was a young and chivalrous African prince. In this novel the authoress stirred sympathy with the slave—the first English writer to do so.

² By Sir Richard Steele (1672-1729), the friend and co-worker of Addison. This comedy was first performed in 1705.

³ A comedy by Joseph Addison (1672-1719). Addison had little dramatic skill, and *The Drummer* was a failure.

13th March 1742 reveals the *modus operandi*: ‘By desire of his Grace, the Duke of Hamilton, for the benefit of the Master Hamiltons, at the Tailors’ Hall, will be perform’d a Concert of Vocal and Instrumental Musick; after which, gratis, *She Wou’d and She Wou’d Not*,¹ to which will be added, by desire, *The Honest Yorkshireman*, performed by Liliputians.’ Three nights later the tragedy of *Cato*² was represented ‘to a fuller house than was ever known’ at Tailors’ Hall. ‘The fine sentiments of this play met with that applause which they deserved from every free Briton. The Ladies particularly distinguished themselves by their virtuous distress. *Cato* drew tears from the fairest eyes.’

On 8th October the *Beggar’s Opera* was ‘played to the entire satisfaction of the audience, who were so pleased with the performance, that they desired it might be acted again on the following Monday.’ Thomas Este, the manager at Tailors’ Hall, was enterprising, and in December it was announced that ‘the Company belonging to the Concert in Taylors’ Hall have been at a considerable charge in getting up that celebrated entertainment, called *The Negromancer* [sic] or *Harlequin Doctor Faustus*, which will be performed next Friday, in the same manner as it was originally done at the Theatre Royal in Lincoln’s-inn-fields.’

Early in 1743 there was a Shakespearean revival ‘at the desire of several ladies of distinction.’ The play selected was *Richard III.*, which was acted free of charge after the usual concert. The tickets for this performance were ‘to be had at the Exchange and John’s coffee houses,’ as well as ‘at Mr. Este’s lodgings, at Mr. Monro’s, musician, in the Cowgate, near Taylors’ Hall.’ On 24th February *King Lear* and *The Mock Lawyer* were played ‘for the benefit of the Master Hamiltons,’ and on 28th February, *The Wedding Day*.

¹ One of the best known of Colley Cibber’s comedies. It had sufficient vitality to justify its revival towards the close of the nineteenth century.

² Another of Addison’s failures. The play was first acted in 1713.

The next recorded performance is on 1st February 1744 when *The Fair Penitent*¹ was produced. On this occasion, 'for the better accommodation of the ladies,' the stage was 'ornamented in a handsome manner, and illuminated with waxlight.' Further, there was opened into Scott's Close 'a convenient passage for the accommodation of ladies' chairs being set down at the pit and stage doors.' A fortnight later, *The Orphan*² and 'a farce called *The Devil to Pay*' were performed for the benefit of the inmates of the Charity Workhouse, which had been erected in the previous year. The theatrical performance, as usual, followed a concert, the managers of which announced their willingness 'to throw in their mite towards the great and charitable work.' They therefore appealed to the public for cordial support. On 6th March, Mrs. Este was given a benefit performance 'at the particular desire of a lady of quality.' An elaborate programme was carried through, which, after vocal and instrumental music, included *The Mourning Bride*³ 'with entertainments between the Acts by M. Froment and Madame Dumont,' and a 'new farce call'd *Sir John Cockle at Court*, or, the sequel to *The Miller of Mansfield*' with 'an humorous Epilogue in the character of Nobody, to be spoken by Mrs. Este.'

Not till 11th February 1745 were there other theatri-

¹ This was Nicholas Rowe's third tragedy (1703). Based on Massinger's *Fatal Dowry*, it yet fell, in Scott's opinion, far below the work of the earlier dramatist. Dr. Samuel Johnson was more cordial. 'You would have enjoyed,' wrote Hannah More in 1782, 'seeing Johnson take me by the hand in the middle of dinner, and repeat, with no small enthusiasm, many passages from *The Fair Penitent*.'

² By Thomas Otway (1652-1685). *The Orphan* (1680) and *Venice Preserved* (1682) were once so highly thought of, that their author was placed only a little lower than Shakespeare himself. Otway was admittedly a master of tragic passion.

³ By William Congreve (1670-1729). Produced in 1697, *The Mourning Bride* was the only tragedy written by one of the great masters of English comedy. It was extraordinarily popular in the eighteenth century, and was extravagantly praised.

cals at Tailors' Hall. On that occasion *Venice Preserved*¹ was played for the benefit of an actress, Mrs. Hamilton. On 13th March, 'by desire of His Grace, the Duke of Hamilton,' *Tunbridge Walks, or The Yeomen of Kent* and *The Lottery* were performed, and on 3rd April *The Constant Couple, or A Trip to the Jubilee, etc.*, with *Harlequin Skeleton*, the entertainment concluding with 'a grand dance called *Pigmalion*' [sic] for the benefit of M. Froment. This artiste kept a dancing school in Bailie Fyfe's Close, at which address, tickets (pit, 2s. 6d.; gallery, 1s. 6d.) were to be had.

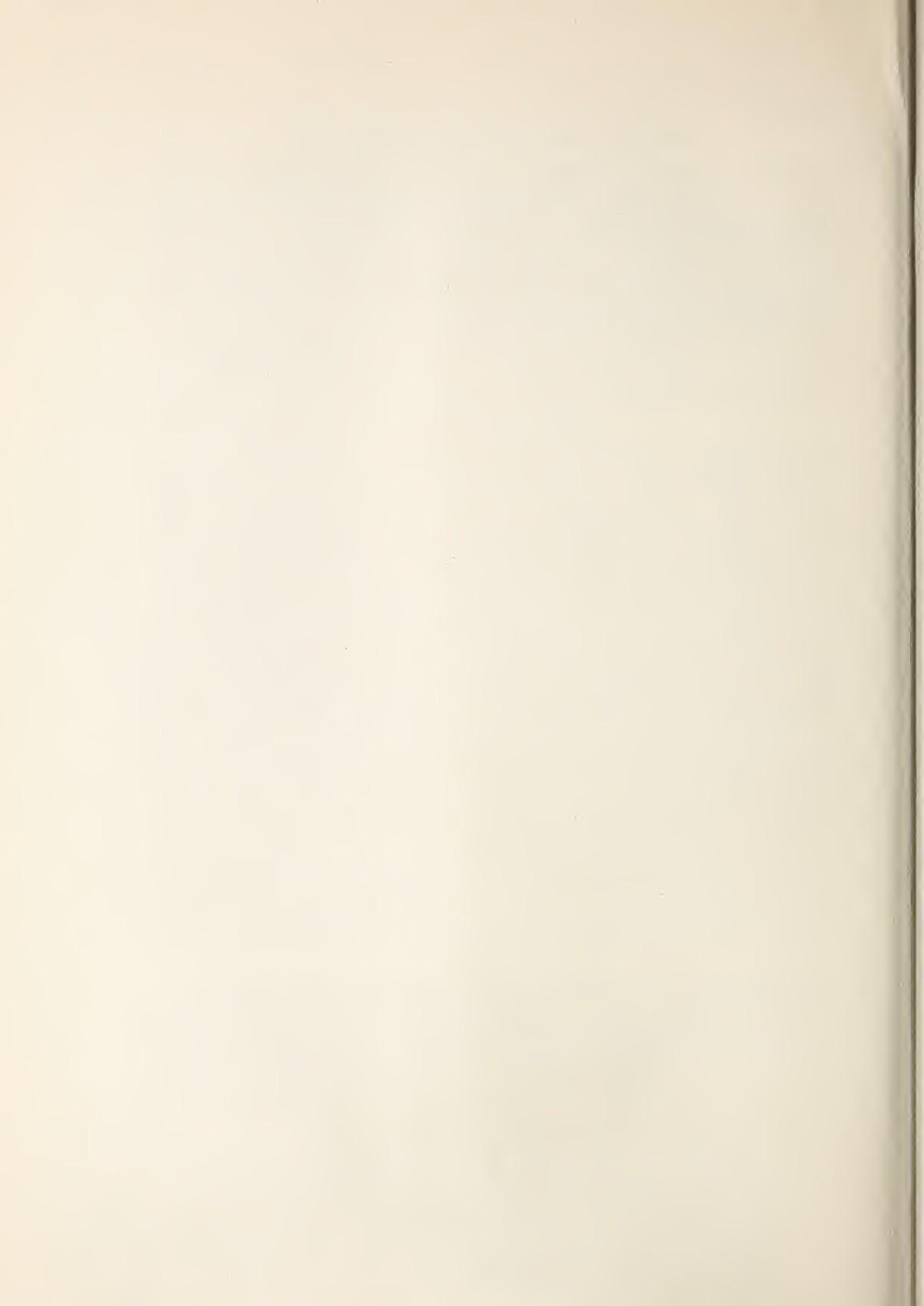
M. Froment's 'benefit' was followed by another for Mr. Este, when *The Wrangling Lovers; or, Like Master Like Man*, a farcical production, was acted. Soon after, the theatrical performances at Tailors' Hall were brought to an abrupt close, owing to disagreement among the members of the Edinburgh Company of Comedians. Considerable bitterness seems to have been imparted to the dispute, and a deliberate attempt was made to ruin the manager of Tailors' Hall by establishing a rival theatre. For this purpose a public appeal for funds was issued, and tradesmen were employed who agreed that their remuneration should depend upon the proceeds of performances at the new playhouse. A site was obtained in the north-west corner of St. John Street, then being laid out, and upon it was built the Canongate Theatre, the foundation stone of which was laid in August 1746. 'No sooner,' says Arnot, 'were the doors opened, than the Tailors' Hall was deserted.'² The building continued to be used occasionally for theatrical performances, notably Allan

¹ This work, by Thomas Otway, has been already referred to. It is interesting to recall that the tragedy of *Venice Preserved* was performed in April 1789 before 'a genteel and select company at Mr. Macrae's Private Theatre at Marionville,' a suburban residence (which still exists) near the village of Restalrig, of which some account is given in Chambers's *Traditions of Edinburgh*.

² *History of Edinburgh* (1816), p. 282.

Ramsay's *The Gentle Shepherd*, which was acted by a 'company of young gentlemen' on 23rd November 1756; but the Tailors' Hall was regarded no longer as a playhouse. Thespis had betaken himself to 'fresh woods and pastures new'—to the Canongate Theatre, with which began a fresh chapter of the history of the Edinburgh stage.

W. FORBES GRAY.



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APPENDIX

TWELFTH AND THIRTEENTH ANNUAL REPORTS
ETC.

Old Edinburgh Club

1919

Honorary Patrons

THE LORD PROVOST, MAGISTRATES, AND COUNCIL
OF THE CITY OF EDINBURGH.

Honorary President

THE RIGHT HON. THE EARL OF ROSEBERY, K.G., K.T.

Honorary Vice-Presidents

The Right Hon. THE LORD PROVOST OF EDINBURGH.

Sir JAMES BALFOUR PAUL, C.V.O., LL.D., Lyon King of Arms.

Professor JOHN CHIENE, C.B.

W. B. BLAIKIE, LL.D.

President

WILLIAM MOIR BRYCE, Dunedin, Blackford Road.

Vice-Presidents

WILLIAM COWAN, 47 Braid Avenue.

THOMAS ROSS, LL.D., 14 Saxe-Coburg Place.

ROBERT T. SKINNER, Donaldson's Hospital.

Honorary Secretary

LEWIS A. MACRITCHIE, 40 Princes Street.

Honorary Treasurer

THOMAS B. WHITSON, C.A., 21 Rutland Street.

Council

WILLIAM BAIRD, Clydesdale Bank House, Portobello.

A. H. CAMPBELL, Burgh Engineer, Parliament Square.

W. FORBES GRAY, 8 Mansionhouse Road.

CHARLES E. GREEN, 4 St. Giles Street.

WILLIAM ANGUS, Record Office, H.M. Register House.

HENRY F. KERR, 12 East Claremont Street.

W. W. MACFARLANE, J.P., 10 Tipperlinn Road.

DAVID ROBERTSON, LL.B., S.S.C., City Chambers.

JOHN HARRISON, O.B.E., 3 Napier Road.

JAMES L. EWING, LL.D., Derreen, Murrayfield Drive.

JOHN A. FAIRLEY, 3 Barnton Gardens, Barnton Gate.

J. CAMERON ROBBIE, 22 York Place.

Honorary Auditor

W. MELVILLE SYM, C.A., 49 Castle Street.

REPORT OF THE TWELFTH ANNUAL MEETING OF THE OLD EDINBURGH CLUB

THE TWELFTH ANNUAL MEETING OF THE CLUB was held in the Old Council Room, City Chambers, on the afternoon of Friday, 30th January 1920, at 4 o'clock.

W. B. Blaikie, Esq., LL.D., D.L., Honorary Vice-President of the Club, presided. There was a good attendance of Members.

Apologies were intimated from the Right Hon. The Earl of Cassillis, Colonel The Hon. FitzWilliam Elliot, Mr. R. T. Skinner, Dr. John Harrison, and Mr. John Kippen.

The Annual Report and Abstract of Accounts, which had been issued to the Members, was held as read, and is in the following terms :—

The Council beg to submit to the Club the Twelfth Annual Report.

During the year ending 31st December 1919 there were 19 vacancies in the membership. These have been filled up, and there still remain 15 names on the list of applicants for admission.

The following meetings were held :—

1. LECTURE

On the evening of Thursday, 20th February 1919, a meeting of the Club was held in Dowell's Rooms, 20 George Street, when a lantern lecture on 'Gourlay's House and its Memories' was delivered by Mr. W. Forbes Gray, F.S.A. (Scot.). Mr. William Cowan, one of the Vice-Presidents, presided over a large attendance.

4 REPORT OF THE TWELFTH ANNUAL MEETING

2. REGISTER HOUSE

By permission of the late Sir J. Patten MacDougall, K.C.B., Deputy-Clerk Register, the Office-Bearers and Council visited the Register House on the afternoon of Saturday, 22nd March 1919. Sir J. Balfour Paul, C.V.O., LL.D., and Professor R. K. Hannay acted as guides.

3. EXHIBITION OF MAPS AND PLANS OF EDINBURGH FROM THE EARLIEST TIMES

By invitation from the Royal Scottish Geographical Society the Members had the privilege of visiting the Exhibition in the Society's Rooms during April 1919.

4. BONALY TOWER

On the afternoon of Saturday, 17th May 1919, by permission of the Trustees of the late Mr. David Simson, the Members visited Bonaly Tower. Mr. W. Forbes Gray acted as leader in the absence of Councillor John Harrison, C.B.E.

5. GRACEMOUNT AND ST. CATHERINE'S WELL

By permission of the late C. E. Green, Esq., F.R.S.E., the Members visited Gracemount and St. Catherine's Well on the afternoon of Saturday, 21st June 1919. Mr. Green acted as leader, and with Mrs. Green entertained the company to tea.

6. LECTURE

By invitation of the Edinburgh Architectural Association, the Members attended at the College of Art on the evening of Thursday, 27th November 1919, when a lantern lecture on 'Old Edinburgh and Some of its Buildings' was delivered by Mr. Henry F. Kerr, A.R.I.B.A., F.S.A. (Scot.). Mr. John Watson, F.R.I.B.A., presided.

All the excursions were well attended by Members and their friends, and the thanks of the Club are due to those who acted as leaders.

DEATH OF DR. W. MOIR BRYCE, PRESIDENT OF THE CLUB

At a meeting of the Council, held on 28th October 1919, Mr. William Cowan, one of the Vice-Presidents, who presided, referred in feeling terms to the great loss the Club had sustained through the death of the President, Dr. W. Moir Bryce, and on his motion the following resolution was unanimously adopted :—

‘The Council desire to record their sense of the great loss the Club has sustained in the death of the President, Dr. Moir Bryce. Dr. Bryce became a member of the Club at its foundation in 1908. He was elected a member of Council in 1910, a Vice-President in 1913, and President in 1914. To the Book of the Club for 1909 he contributed articles on the Flodden Wall and on the Covenanters’ prison, and the succeeding volumes contain several important and interesting articles from his pen. During the last years of his life he was engaged on the exhaustive history of the Burgh Muir, which forms the volume recently issued to the members. To all his work for the Club, Dr. Bryce gave ungrudgingly both of his time and of his great professional knowledge, and his contributions remain as models of careful research and painstaking accuracy. The Council instruct the Secretary to send an extract of this Minute to Mrs. Bryce, with an expression of their deep sympathy with her and her daughter in their bereavement.’

PRESERVATION OF OLD EDINBURGH BUILDINGS

The Council have recently had under consideration a scheme at present before the Town Council for dealing with a large number of old houses which have been condemned by the Public Health Authority.

A memorandum in the following terms has been presented to the Town Council :—

‘To the Lord Provost, Magistrates, and
‘Town Council of the City of Edinburgh.

‘The attention of the Council of the Old Edinburgh Club has been directed to the scheme at present under the consideration of the Town Council, for dealing with many of the buildings in the Old Town which

6 REPORT OF THE TWELFTH ANNUAL MEETING

have been certified by the Medical Officer of Health as unfit for occupation.

' The Council of the Club quite appreciate the necessity which has arisen for dealing with such slum properties, and they recognise that the health of the inhabitants must always be a primary consideration, but they are most anxious that every care should be taken to preserve not only buildings possessing interesting historical associations, but also those which exhibit the architectural characteristics of past periods of our national history. They are convinced that the entire disappearance of these would be an irreparable loss, in depriving the Old Town of those features which still render it an object of interest both to the citizens themselves and to the large number of visitors to the city.

' The Council beg respectfully to urge that before any building is condemned to entire demolition, care should be taken to ascertain whether it is not possible, while submitting the interior to whatever reconstruction is found necessary, to retain the outside walls and especially the street elevation, and so preserve the external appearance of the buildings.

' The Council at a recent meeting remitted this matter to a small Sub-Committee. By the courtesy of the Burgh Engineer, the members of this Committee have been supplied with a list of the buildings in nine specified areas which the Medical Officer reports as unfit for habitation in their present condition.

' This list has been examined in detail, and in regard to certain of the buildings, the following notes are submitted for the consideration of the Town Council :

Area 1 . . Cowgate, Nos. 129-141.

' This range of buildings, with the Tailors' Hall behind, forms a group of the greatest interest both historically and architecturally, and its preservation in its entirety is of the very highest importance.

Area 5 . . South Gray's Close, 1, 5.

Fountain Close, 1, 3.

Tweeddale Court, 2.

' These buildings form the front lands in the High Street at the upper end of the closes named. In contrast to the more modern and commonplace houses, this range of buildings exhibits these antique

features so few of which now remain in the Royal Mile. For this reason, and on account of the historical interest attaching to more than one of the houses, it is most important that this group should be preserved.

'The following buildings which appear in the list, though not to be ranked in importance with those just named, are still excellent and interesting examples of the old domestic architecture of the city, and in the case of most, if not all of them, it is hoped that it will be found possible, while reconstructing the interiors, to retain the present substantially-built street fronts.

Cowgate	Nos. 32-30 and 14-2.
Candlemaker Row	Nos. 35-43.
East Richmond Street	Nos. 8-10.
East Crosscauseway	Nos. 55-59.
Church Street	Nos. 8-10. (Birthplace of David Roberts.)

'The range of two-storey houses in the Pleasance (Nos. 131-145) may possibly require to be demolished, but if so, it is most desirable that accurate photographs of them be secured.

'On behalf of the Council of the Old Edinburgh Club,

'WILL. COWAN, *Vice-President.*

'LEWIS A. MACRITCHIE, *Secretary.*'

PUBLICATIONS OF THE CLUB

The tenth volume of the Book of the Club, being that for the years 1917 and 1918, was issued to members in September last.

It is intended that the volume for 1919 should contain the following :—

Lord Provost Stewart and the Defence of Edinburgh in 1745.
(Dr. Blaikie.)

A further instalment of extracts from the Tolbooth Records.
(Mr. Fairley.)

A plan of the Old Town as it was about the middle of the eighteenth century, with explanatory notes. (Mr. Henry F. Kerr.)

8 REPORT OF THE TWELFTH ANNUAL MEETING

The Chairman, in moving the adoption of the Report, said—

They regretted Lord Rosebery was not there to preside over the gathering, as he had done on previous occasions. His help and services would never go out from their memory. The Chairman also paid a tribute to the work of Mr. Moir Bryce, mentioning the gifts which he had made of articles of archaeological interest. During the eleven years the Club had existed, they had produced monographs, historical, biographical, traditional, and artistic. Lord Rosebery had said that to enjoy Edinburgh you must not only know the town itself, but know the traditions of it. It had been their programme to interpret these traditions to their members and to the world at large.

With regard to the National War Memorial which it was proposed to put up on the Castle, Dr. Blaikie said he had read with the greatest care the Duke of Atholl's memorandum. The real point of the proposal was the erection of a shrine on the Castle Rock to the memory of those noble lads who fell in the Great War. They would remember Lord Rosebery's letters to the papers, imploring that Edinburgh Castle, which was a history of the city and the country, should not be meddled with. When he thought of the Duke, whose name, family, and title were a part of the history of Scotland, he was certain he would do nothing to injure the stone history of Scotland, and he was glad to think his coadjutor, the hand that was to do the work, was Sir Robert Lorimer. For nine centuries they had been building at the Castle. If the existing structures were religiously preserved, the shrine would merely add a chapter in stone to the history of the Castle and the country. We must always remember that the buildings now ancient and familiar were once new, and a suitable addition would in time, like its predecessors, become ancient and familiar. But one thing must be jealously guarded, the old houses must not be removed.

Dr. Blaikie proceeded to say he thought there had been far too much fuss made about the tramways. If they walked along Princes Street and looked at Edinburgh and Arthur's Seat and the Castle Rock, and the Old Town rising across the valley, they could only think that anything in the way of tramway disfigurement was merely primitive and temporary—a stick or string that would soon pass away as transport conveyances developed. Even the belching smoke and steam of the railway engines in the gardens seemed likely to disappear with the advance of electrical science. The old city would

remain and the excrescences would disappear, perhaps, it is true, to give place to others ; but such are little more to be regarded than the necessary scaffolding of a building that was being repaired. There is an old saying, the motto of the family of More, ‘ Morus tarde moriens, morum cito moritur ’—the mulberry tree lives long though the mulberries perish quickly. So let us believe it will be with our city.

It was fortunate that they had as colleagues in the Club the Lord Provost and the Magistrates and Councillors of Edinburgh. They had also the good fortune of having on the Club’s Council the City Engineer, Mr. Campbell. They could therefore all work together ; and with regard to the improvement schemes it was well to have the assurance that anything done in connection with the scheme would not have the faintest effect on the historical buildings of Edinburgh. They could look forward with happiness to the Health Department scheme of removing certain slums that probably would be better away.

Edinburgh had one great asset, and that was Edinburgh’s history. It had been the Club’s business to be a sort of conscience to the Town Council. In improvement schemes there was one item which the sanitary authorities might well consider, and that was the value of soap and water. He was afraid in many of their slums the sordidness had arisen chiefly from the want of soap and water. If in these days the inhabitants would not apply soap and water, it might be the duty of the authorities to do so. Soap and water would be infinitely cheaper than an improvement scheme. The slums were said to be overcrowded, and perhaps it was so. According to R. L. Stevenson the over-population was at least as dense in the epoch of lords and ladies ; nobody cared how many lords and ladies and divines and lawyers crowded into these houses in the past—perhaps the more the merrier. The sanitary arrangements, it is true, were then notorious, and they have long since been swept away. But even then the sordidness of modern times, which is the secret of slum misery, was absent. Sir Walter Scott, writing to Lady Anne Barnard, says : ‘ I remember all the locale of Hyndford’s Close. . . . I suppose the Close once too clean to soil the hem of your ladyship’s garments is now a resort for the lowest : and so wears the world away.’ Let the historical buildings be cleaned—gutted and refitted internally if necessary—but preserve the ancient and often noble masonry. No member would view with satisfaction the destruction of any of these historical buildings to which Edinburgh owed so much.

10 REPORT OF THE TWELFTH ANNUAL MEETING

Dr. Thomas Ross seconded the adoption of the Report.

He pointed out with regard to the discovery of David's Tower in the Castle, that the late Mr. Blanc had informed the Architectural Association twenty years ago of the location of the tower. He was sure the members of the Club would do all they could to help to preserve the ancient and historical parts of Edinburgh. They should take care, also, that no building disappeared without some record of it being kept.

The Report and Balance Sheet were approved.

Mr. Thomas Ross, LL.D., then moved the re-election of Lord Rosebery as Hon. President, and the Lord Provost of Edinburgh, Sir James Balfour Paul, C.V.O., LL.D., Lyon King of Arms, Professor John Chiene, and Mr. W. B. Blaikie, LL.D., as Hon. Vice-Presidents, and the motion was cordially adopted.

On the motion of the Chairman, Mr. William Cowan was unanimously elected President of the Club.

Mr. Thomas Ross, LL.D., Mr. Robert T. Skinner, and Mr. John Geddie were appointed Vice-Presidents, with Mr. Lewis A. MacRitchie as Hon. Secretary, Mr. Thomas B. Whitson, C.A., as Hon. Treasurer, and Mr. W. Melvill Sym, C.A., as Hon. Auditor.

Rev. William Burnett, B.D., Mr. John Russell, Mr. Charles B. Boog Watson, and Mr. James H. Jamieson were elected Members of Council.

A vote of thanks was awarded to Mr. William Baird, Mr. A. H. Campbell, and Mr. W. Forbes Gray, the retiring Members of Council.

Mr. R. Addison Smith, C.V.O., moved a vote of thanks to Dr. W. B. Blaikie for presiding.

The Meeting then terminated.

Old Edinburgh Club

ABSTRACT OF THE ACCOUNTS OF THE HONORARY TREASURER

For the Year ending 31st December 1919

CHARGE	DISCHARGE
I. Funds at close of last Account:—	
(a) In Bank on Deposit Receipt,	£400 0 0
(b) <i>Less</i> —Balance due to Honorary Treasurer,	4 0 9
	<hr/>
	£395 19 3
Arrears of Subscriptions,	7 12 0
	<hr/>
	£403 11 3
II. Subscriptions:—	
For year 1919 (350 Members at 10s. 6d.),	£183 15 0
<i>Less</i> —Paid in advance in 1918,	1 11 6
	<hr/>
	£182 3 6
23 Libraries at 10s. 6d.,	£12 1 6
6 Associates at 2s. 6d.,	0 15 0
For year (1920), 8 Members in advance,	4 4 0
For Year (1920), 1 Library in advance,	0 10 6
	<hr/>
	17 11 0
	<hr/>
	199 14 6
III. Interest on Deposit Receipts,	14 4 5
IV. Transactions sold,	4 4 0
	<hr/>
	£621 14 2

THOMAS B. WHITSON, C.A., *Hon. Treasurer.*

EDINBURGH, 19th January 1920.—I have examined the Accounts of the Honorary Treasurer of the Old Edinburgh Club for the year ending 31st December 1919, of which the above is an Abstract, and find them correctly stated and sufficiently vouched and instructed.
W. MELVILLE SYM, C.A., *Hon. Auditor.*

Old Edinburgh Club

1920

Honorary Patrons

THE LORD PROVOST, MAGISTRATES, AND COUNCIL
OF THE CITY OF EDINBURGH.

Honorary President

THE RIGHT HON. THE EARL OF ROSEBURY AND
MIDLOTHIAN, K.G., K.T.

Honorary Vice-Presidents

The Right Hon. THE LORD PROVOST.

Sir JAMES BALFOUR PAUL, C.V.O., LL.D., Lyon King of Arms.

Professor JOHN CHIENE, C.B.

W. B. BLAIKIE, LL.D.

President

WILLIAM COWAN, 47 Braid Avenue.

Vice-Presidents

THOMAS ROSS, LL.D., 14 Saxe-Coburg Place.

ROBERT T. SKINNER, Donaldson's Hospital.

JOHN GEDDIE, 16 Ann Street.

Honorary Secretary

LEWIS A. MACRITCHIE, 35 East Claremont Street.

Honorary Treasurer

THOMAS B. WHITSON, C.A., 21 Rutland Street.

Council

WILLIAM ANGUS, Record Office, H.M. Register House.

HENRY F. KERR, 12 East Claremont Street.

W. W. MACFARLANE, D.L., 10 Tipperlinn Road.

DAVID ROBERTSON, LL.B., S.S.C., City Chambers.

JOHN HARRISON, C.B.E., LL.D., 3 Napier Road.

JAMES L. EWING, LL.D., Derreen, Murrayfield Drive.

JOHN A. FAIRLEY, 3 Barnton Gardens, Barnton Gate.

J. CAMERON ROBBIE, 22 York Place.

Rev. WILLIAM BURNETT, B.D., Restalrig Manse, Lismore Crescent.

JOHN RUSSELL, 323 Leith Walk.

CHARLES B. BOOG WATSON, 1 Napier Road.

JAMES H. JAMIESON, 12 Sciennes Gardens.

Honorary Auditor

W. MELVILLE SYM, C.A., 49 Castle Street.

REPORT OF THE THIRTEENTH ANNUAL MEETING OF THE OLD EDINBURGH CLUB

THE THIRTEENTH ANNUAL MEETING OF THE CLUB was held in the Old Council Room, City Chambers, on the afternoon of Friday, 28th January 1921, at 4 o'clock.

Mr. William Cowan, President of the Club, presided. There was a fair attendance of Members.

Apologies were intimated from the Right Hon. The Earl of Cassillis, Mr. R. T. Skinner, Mr. John Kippen, Mr. W. Forbes Gray.

The Annual Report and Abstract of Accounts, which had been issued to the Members, was held as read, and is in the following terms :—

The Council beg to submit to the Club the Thirteenth Annual Report.

During the year ended 31st December 1920 there were 22 vacancies in the membership. These have been filled up, and there still remain 7 names on the list of applicants for admission.

The following meetings were held :—

1. THE HERMITAGE OF BRAID

The first outing of the season was held on 8th May, when a visit was paid to Hermitage of Braid, by kind permission of Lady Skelton. The weather was brilliant, and the company, which numbered fully one hundred, was privileged to view this sylvan retreat in all the glory of early summer. Mr. Thomas Ross, LL.D., was to have acted as

14 REPORT OF THIRTEENTH ANNUAL MEETING

leader, but was unavoidably prevented from being present. He sent, however, some notes describing the boundaries of the estate of Braid. These were read by Mr. W. Forbes Gray, F.R.S.E., who afterwards gave some account of the historical and literary associations of Hermitage of Braid.

The ancient castle of Braid, of which the dovecot with its two thousand nests is all that now remains, stood on the top of a high and steep bank on the northern boundary of Hermitage of Braid. Here probably dwelt the Henrys, the first owners of the barony of Braid of whom there is any record. In the fifteenth century the property was owned by the Fairlies, who in the year of the Union of the Crowns purchased the manor house of Bruntsfield from Sir Alexander Lauder of Hatton. The Fairlies were lairds of Braid for many generations, though they are perhaps better known as lairds of Bruntsfield. In 1528 a Fairlie sold a portion of the lands of Braid to Robert Bruce of Bynnings, and in 1631 the remainder of the estate was bought by Sir William Dick. The last Fairlie of Braid was Sir Robert of that ilk, whose son Alexander married Martha, one of the three daughters of John Knox by his second wife, Margaret Stewart, youngest daughter of the 'good laird of Ochiltree.' On their marriage, Martha Knox and Alexander Fairlie were infefted, in conjunct fee, in the lands of Over-Braid. Consequently the daughter of the Reformer had a voice in the disposal of the estate.

Sir William Dick's purchase was effected with the intention that his eldest son John should reside there, the younger son being given the Grange of St. Giles. Soon after, the property was erected into a free barony by Charles I., and the castle of Braid became the chief residence of the Dick family. But the day of the Dicks' prosperity was short. Sir William died in 1655, and as his eldest son had pre-deceased him, the barony passed to William, eldest son of John Dick and grandson of the Covenanting Provost. Unfortunately, the young man was laird only in name. Instead of 'lands and gear' he inherited only his grandfather's liabilities, together with a lengthy imprisonment in the Tolbooth for debts which he never incurred.

The lot of the heir of Braid was rendered even more pitiable by the unnatural conduct of Sir Andrew Dick of Craighouse, who, while his nephew was in prison, posed as the 'Sole Son, Executor, and Representative of the deceased Sir William.' And it was not for nothing. A tract exists entitled, 'The Suffering Case of William Dick, Esq.,

grandson and heir of Sir William Dick of Braid, with others of his Family, by the intolerable oppression of Sir Andrew Dick—an unnatural brand thereof—Humbly tendred (for redresse) to the Honourable Members of the Parliament of England.' The origin of this tract is instructive. The poverty of the Dick family had been brought under the notice of Charles II., who commanded that £5 a week should be paid, the money being given to Sir Andrew for their use. Sir Andrew, who was then living in London, punctually received the allowance, but appropriated it to his own needs. The laird of Braid twice petitioned the Scots Parliament on behalf of the children of Sir William Dick, who had been 'lying in Prisons these twenty moneths past for Publick Debts in great sufferings of their Persons, Credit and Calling, and weariness of Life, longing for Death more than for Treasures.' No pecuniary help seems to have resulted from these woeful supplications, though the laird was released from the Tolbooth. In 1678 he married Elizabeth Duncan, but died some years later, leaving a son William, also designated 'heir of Braid.'

But it was an empty title, for the barony had passed from the Dick family more than twenty years before. Shortly after Sir William Dick's death, the property, heavily mortgaged, was acquired by royal charter by John Brown, laird of Gorgiemylne. This charter was confirmed by another granted by Charles II. in 1681.

The ancient castle of Braid seems to have been deserted during the eighteenth century. At any rate, the present mansion of Hermitage was built about 1780, by which time the Gordons of Cluny, Aberdeenshire, owned the lands of Braid. The house is designed in the castellated style known as 'Carpenter's Gothic,' and has points of resemblance with Gillespie's Hospital, Nelson's Monument, and St. George's Episcopal Church, York Place. The original design, however, was altered some years ago when an additional storey was erected.

Charles Gordon of Cluny, to whom the building of the modern house is attributed, was the father of the beautiful Joanna Gordon who became Countess of Stair. Her wedded life was unhappy, and after the annulment of the marriage in 1820 she is said to have lived a solitary life at Hermitage of Braid. Subsequently the estate passed to John Gordon of Cluny. Mr. Gordon, who was also proprietor of the Hebridean estate of South Uist and Barra, died childless in 1878. In 1880 his widow, the present owner of Hermitage, married her second husband, Sir Reginald Cathcart.

16 REPORT OF THIRTEENTH ANNUAL MEETING

While Lady Gordon Cathcart has been proprietrix since 1878, the Hermitage has been the home of the family of Sir John Skelton since 1868—a period of fifty-three years. Sir John Skelton, who died in 1897, admirably combined practical life with literature. He was secretary and afterwards chairman of the Local Government Board for Scotland, but he was best known as the chivalrous defender of Mary Stuart, the biographer of Maitland of Lethington, and, under the pseudonym of ‘Shirley,’ an essayist of singular charm and vivacity. One of Sir John’s lifelong friends was Froude the historian, who was a frequent guest at the Hermitage. Writing to Skelton in May 1876, he says: ‘An evening or two with you in your beautiful glen will be better than any quantity of idle dinner-party talk. Abana and Pharpar are not better than the waters of Israel or the murmur of Lothianburn.’ Froude had intended to come to Edinburgh in April 1890 to receive the degree of Doctor of Laws, but was prevented by illness. ‘I will still hope,’ he writes consolingly, ‘to see the Hermitage once more.’ In June 1894 the historian concluded an epistle to his friend as follows: ‘When, if ever, shall I see the Hermitage again?’ They were words of farewell.

2. ST. CUTHBERT’S CHURCHYARD

On the afternoon of Saturday, 12th June 1920, the Members visited St. Cuthbert’s Churchyard. Mr. Robert T. Skinner, M.A., F.R.S.E., acted as leader.

The company visited the graves, or inspected the monuments, in the following order:—

1. Lord Rockville, judge, died 1792, son of second Earl of Aberdeen.
Met Dr. Johnson in Edinburgh. Member of Crochallan Fencibles.
2. Gordons of Cluny. Charles Gordon (died 1814) built The Hermitage of Braid. His daughter Joanna, buried here, was the unfortunate wife of the seventh Earl of Stair.
3. Adam Rolland of Gask, advocate, died 1819. ‘In the external circumstances, but not in frolic or fancy, my prototype for Paul Pleydell’ (SCOTT). Portrait painted by Sir Henry Raeburn.
4. Lord Alva (formerly Lord Barjarg), judge, died 1796. Mrs. Maxwell, the mother of the Countess of Sutherland and Lady Glenorchy, married Lord Tinwald, who by his first wife was already the father of Lord Alva.
5. William B. Johnstone, R.S.A., died 1868.
6. Son of Lieut.-Col. James Skinner, C.B., whose name is associated with Skinner’s Horse.
7. Walkers of Dalry.

8. Fifteenth and last Earl of Glencairn, died 1796. Canon of Church of England. Younger brother of Burns's patron.
9. Lord Ardmillan, judge, died 1876. Solicitor-General for Scotland under Lord Aberdeen.
10. Rev. Thomas Cleghorn, died 1847; for 48 years Minister of Smailholm, and known to Sir Walter Scott.
11. Right Hon. J. H. A. Macdonald, G.C.B. (Lord Kingsburgh), Lord Justice-Clerk, died 1919.
12. John Paul, D.D., St. Cuthbert's, Moderator of General Assembly, died 1873.
13. John Lee, D.D., LL.D., Principal of Edinburgh University and Moderator of General Assembly, died 1859. Entrusted by Jupiter Carlyle of Inveresk with MS. of Autobiography.
14. Thomas Snell Jones, D.D., died 1837. Lady Glenorchy invited him to her Chapel, where he ministered for 58 years. See *Kay's Portraits*.
15. Thomas de Quincey, author, died 1859. Buried from 42 Lothian Street. The daughter purchased for her father 'one grave in the old barn.'
16. Rev. Neil M'Vicar, St. Cuthbert's, died 1747. Memorable prayer in St. Cuthbert's on Prince Charles Edward's return to Edinburgh after Prestonpans.
17. David Dickson, D.D., St. Cuthbert's, died 1842. Buried from 'the West Kirk Manse.' He assisted at the service in Abbotsford on the occasion of Scott's funeral. Monument by Handyside Ritchie at west end of church.
18. Rev. Robert Pont, St. Cuthbert's, Scottish Reformer, died 1606. The Regent Mar made him Judge of Court of Session. Six times Moderator of General Assembly. Woodrow states that Pont had 'a discovery of Queen Elizabeth's death that same day she died,' and Pont told King James VI. at Holyrood. [Monument in church].
19. Rev. David Williamson, St. Cuthbert's, Moderator of General Assembly, died 1706. Buried by request near Pont. First Scottish clergyman to wear a watch.
20. Bain Whyt, W.S., died 1818. Founded Wagering Club in 1775.
21. Andrew Combe, M.D., physiologist and phrenologist, died 1847.
22. Relief by John Flaxman, R.A., in memory of children of Francis Redfearn. Removed to vestibule of church, 1917.
23. Monument in church to John Napier of Merchiston, mathematician, died 1617.
24. James MacKnight, D.D., Old Kirk, Moderator of General Assembly, died 1800. Author of *Harmony of the Gospels*.
25. Lord Henderland, judge, died 1795. Met Dr. Johnson in Edinburgh. Epitaph by Shenstone.
26. Robert Ainslie, W.S., died 1838 at 2 Graham Street. Accompanied Robert Burns on Border tour, 1787. See *Noctes Ambrosianae*.

18 REPORT OF THIRTEENTH ANNUAL MEETING

27. John Stark, printer, died at 21 Rutland Street in 1849. Author of *Picture of Edinburgh*.
28. Henry Nisbet of Dean, died 1692. Made a quarry in the churchyard in order to build the tomb ; consequently compelled to give gratuity to the poor.
29. Susan E. Ferrier, died 1854. Wrote *Inheritance*, *Destiny*, etc. ; collaborated with Miss Clavering in writing *Marriage*.
30. George Lorimer, Dean of Guild, killed in fire at Theatre Royal, 1865.
31. William Bonnar, R.S.A., died 1853. Pictures include 'Knox preaching in the Castle of St. Andrews.'
32. Alexander Sutherland, died 1831, author of *Tales of a Pilgrim*.
33. Parents of Rev. Robert Murray M'Cheyne, accomplished scholar, Minister of St. Peter's, Dundee.
34. Henry Balfour Biggar, brilliant young advocate, died 1817.
35. Second Lord Ashburton, with whom title became extinct in 1823. Title claimed and obtained in 1835 by Alexander Baring, brother of first Lord's widow.
36. Mark Napier, Sheriff of Dumfries and Galloway, died 1879. Author of *Montrose* and *Dundee*.
37. James Pillans, LL.D., successor of Adam as Rector of High School and afterwards Professor of Humanity in Edinburgh University, died 1864. Connected with *Edinburgh Review*, and satirised by Byron, probably unjustly.
38. Raeburns. Sir Henry Raeburn, R.A., purchased the ground, but is himself buried in dormitory of St. John's Church, Princes Street.
39. Lieut.-General Norman Macleod of Macleod, died at Guernsey and buried from George Street, 1801. Entertained Dr. Johnson for nine days at Dunvegan.
40. Haldanes. Robert Haldane, W.S., of Cloan, father of Viscount Haldane, Lord High Chancellor of Great Britain, 1912-15. James Alexander Haldane, first minister of the first congregational church in Scotland.
41. Alexander Hamilton, M.D., Professor of Midwifery, died 1802. Did much to lessen mortality among mothers and children. See *Kay*.
42. Robert Archibald Smith, composer, died 1829.
43. Grandchild of Flora Macdonald.
44. Jerome Stabilini, violinist, died 1815. See *Kay's Portraits*.
45. George M. Kemp, architect of Scott Monument. Drowned in Union Canal, 1844.
46. Curriehills, judges, father and son.
47. Duncan McLaren, Lord Provost and Member of Parliament.
48. Elizabeth C. D. Clephane, author of hymn 'There were ninety and nine,' died 1869.
49. John Jamieson, D.D., author of *Dictionary of the Scottish Language*.
50. James Robertson, D.D., known as 'Robertson of Ellon,' Moderator of General Assembly.

51. Claud Muirhead, proprietor of the *Edinburgh Advertiser* after the retirement in 1820 of James Donaldson, the founder of Donaldson's Hospital.
52. David Welsh, D.D., Moderator of General Assembly, 1842, led procession from St. Andrew's Church, George Street, to Tanfield Hall on 18th May 1843. Died near Helensburgh in 1845, and buried from 59 Melville Street.
53. Lord Kinloch, judge, author of religious works.
54. Mrs. Grant of Laggan, author of *Letters from the Mountains*. Precursor of Scott; died at 9 Manor Place in 1838.
55. George Watson, P.R.S.A., died 1837. Studied under Reynolds.
56. Alexander Nasmyth, R.S.A., died 1840. Studied under Allan Ramsay. Portrait of Robert Burns. Frequently accompanied the poet in his walks round Edinburgh.

3. PILRIG HOUSE

The last outing of the season was held on Saturday, 10th July, when, through the kindness of the Misses Balfour-Melville, the members, to the number of about one hundred, visited Pilrig House. Sir James Balfour Paul, C.V.O., LL.D., acted as leader, and gave an interesting account of the historical and literary associations of the mansion.

Sir James, who is himself a lineal descendant of the lairds of Pilrig, began by pointing out that the lands of Pilrig were part of the large Barony of Broughton which David I. granted to the Abbey of Holyrood. In early times some one must have built a tower or 'peel' on the ridge, whence the name 'Peelrig' or 'Pilrig,' a name which occurs also in Berwickshire. Its first appearance in actual history, however, was not till 1506 when a Monypenny was in possession of the lands, which his descendants held for many years.

In 1605 Patrick Monypenny, a boy of fourteen, was forcibly abducted from a house in Glendevon which belonged to the family by his uncle, the laird of Pitmillie, who took him to Cleish Castle and married him to his daughter. When Pitmillie was charged with this escapade before the Privy Council he calmly produced the juvenile laird, who said he had gone of his own free will. This, however, the Lords thought rather flimsy, and ordered Pitmillie to find caution in 5000 merks that he would produce the boy before the Session on the first Court day, so that curators might be nominated for him. He must have been rather a lively boy, for in 1611 he was in a more serious row. Walking one day with two friends, one being a younger brother

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of the poet Drummond of Hawthornden, he met two sons of Cockburn of Ormiston and their followers. There was then a family feud between the Cockburns and the Earl of Linlithgow. It is difficult to say why young Pilrig should have espoused Linlithgow's quarrel, unless it was that his then superior, Sir Lewis Bellenden, had married the sister of Linlithgow. But however it was, there was a fray between the two parties, who made 'a verie gret trouble and commotion' in the street, pursuing each other with drawn swords. The end of it was that they were all committed to ward in Edinburgh Castle. Ultimately the Council took the matter in hand and patched up a peace between the parties, who 'choppit hands and imbracit ane another.'

Possibly young Monypenny set the pace too fast. At any rate, in 1623 the lands of Pilrig passed to Gilbert Kirkwood, a jeweller in Edinburgh. He it was who built the present house, which is a good example of the style of the period, in the absence of all defensive features and in the introduction of Renaissance details in its quaintly-formed gables and chimneys.

It was originally an L-shaped house, though this form has been lost owing to modern additions. The entrance door was in the round angle turret which contains a wheel stair. It was surmounted by a pediment containing a shield with the Kirkwood arms on it and the initials of the founder and his wife Margaret, a daughter of Henry Foulis of Colinton. As was common in those days, a verse from Scripture was inserted, as follows : 'For we know that if our earthly house of this tabernacle were dissolved,' etc. The same initials, with the date of the building of the house (1638), are on another part of the house, and the date alone over an attic window in the east gable.

Pilrig must have been a fine breezy open site when the Kirkwoods acquired it. Probably there was little cultivated land about it, and there were few trees. Whins and heather were, however, plentiful. In the records of South Leith Church there are frequent references to whins, heather, and straw, which were used as disinfectants during the plague. For instance, 'Lady Pilrig' was asked to supply them in order that the houses might be 'singit and fyred with heather and the "guids" purgeit and cleansiet with fire and water.'

Amongst others who fell a victim to the plague of 1645 was Gilbert Kirkwood. He was succeeded by another Gilbert, but the family did not retain possession very long. It then passed into the hands of a Sir William Douglas and was by him sold in 1717 to William Alves, who

parted with it in the same year to Lord Rosebery. Next year his lordship disposed of it to James Balfour, a Leith merchant, who traced his descent back to an Andrew Balfour who was in the king's household in 1484, and whose descendants acquired successively Inchrye on the Loch of Lindores, and Powis, which nestles at the foot of the Ochils.

In concluding, Sir James referred to the fact that R. L. S. (whose mother was the daughter of a brother of the laird of Pilrig) leaves his hero David Balfour at the end of *Kidnapped* on the point of going to consult his kinsman the laird of Pilrig, who also figures in *Catriona*. This laird was Professor of Moral Philosophy in the University of Edinburgh from 1754 to 1764, and afterwards Professor of Public Law, which Chair he held for fifteen years.

4. LECTURE

On the evening of Thursday, 25th November 1920, a meeting of the Club was held, by permission of the Royal Society, in their Hall, George Street, when a lantern lecture on 'Edinburgh before Flodden' was delivered by Captain F. C. Mears, architect. Mr. Cowan, President of the Club, occupied the chair.

All the meetings were well attended by Members and their friends, and the thanks of the Club are due to those who acted as leaders.

PRESERVATION OF OLD EDINBURGH BUILDINGS

The memorandum presented to the Town Council has been fully minuted in the City Records and will receive the careful consideration of the Magistrates and Town Council.

PUBLICATIONS OF THE CLUB

The Council greatly regret the delay in issuing the eleventh volume of the Book of the Club. Two of the articles contained in it were passed for press some time ago, and the third article is now practically completed.

The Council have had under their serious consideration the finances of the Club in relation to their publications. The members may be reminded that, by the constitution of the Club, the regulation of all matters relative to publications is in the hands of the Council, and although previous to the year 1917 they were able to issue a volume

22 REPORT OF THIRTEENTH ANNUAL MEETING

each year, there is no rule making this yearly issue obligatory. Owing to the very great increase in the costs of book production, the amount available from the income of the last four years, 1917-1920, has not been sufficient to defray the cost of more than two volumes, the amount at present in hand being all required for the volume about to be issued. It is evident, therefore, that so long as the present high prices continue, the Club volumes cannot be issued so frequently as in the past, unless the rate of subscription were very considerably increased. After giving the subject their most careful consideration, the Council have come to the conclusion that such increase of subscription is inadvisable in the best interests of the Club, and that it should remain at the present figure, viz. 10s. 6d. Future issues of the Book of the Club will be made as frequently as the available funds permit and suitable material is at the Council's disposal.

The Chairman, in moving the adoption of the Report, said—

It was gratifying to find that one of the items was of sufficient importance for the *Scotsman* to print it in full—the list of the important people buried in St. Cuthbert's Churchyard. Alluding to the memorandum on Old Edinburgh buildings which was presented to the Town Council, he said it was very favourably received by the Council and had been fully minuted in the City Records. He understood that the position of this matter was something like this. A considerable number of houses in the Old Town would shortly be condemned by the Public Health Committee as unfit for habitation in their present state. These would be handed over to the Reconstruction Committee to be dealt with. He thought they might feel fairly confident that the remedy for the present unsatisfactory condition of these houses would be reconstruction, and not, as too often in the past, demolition. (Hear, hear !) What the members of the Club and many more of the citizens were interested in, was that what had been called the old 'face' of Edinburgh should, as far as was now possible, be preserved ; that, while everything should be done to render these old houses sanitary and habitable, the architectural features of their exteriors should be religiously preserved, and that where any alterations were found necessary they should be carried out in a spirit of reverence for the past, and that nothing should be done which would modernise and so

vulgarise the appearance of their old streets. He would venture at this point to throw out a suggestion. They had in Edinburgh many capable architects who had made a special study of the old domestic architecture of Scotland and of Edinburgh in particular, and it was to be hoped that the Committee entrusted with the work of reconstruction would take advantage of the best professional advice they could get in carrying out their scheme. If this work of reconstruction were energetically carried out on right lines, not only would a stop be put to the regrettable destruction in the past of much that might have been saved, but also a great step would be taken towards the solution of the present housing difficulty. With regard to the publications, the Council greatly regretted the delay in issuing the eleventh volume of the Book of the Club. The Council had to consider seriously whether they should, following the example of many other societies, raise the annual subscription. Evidently this step was inevitable if volumes such as those already printed were to be issued as frequently as hitherto. After giving the whole matter the most careful consideration, the Council decided against making any proposal to raise the subscription, but they wished the members to understand that, in the meantime at least, there would have to be a longer interval between the issue of the several volumes, in order that sufficient funds might be available for the purpose.

The Report and Balance Sheet were approved.

The Chairman then moved the re-election of Lord Rosebery as Hon. President, and the Lord Provost of Edinburgh, Sir James Balfour Paul, C.V.O., LL.D., Lyon King of Arms, Professor John Chiene, and Mr. W. B. Blaikie, LL.D., as Hon. Vice-Presidents, and the motion was cordially adopted.

On the motion of Mr. Thomas Ross, LL.D., Mr. William Cowan was unanimously elected President of the Club.

Mr. Thomas Ross, LL.D., Mr. Robert T. Skinner, and Mr. John Geddie were appointed Vice-Presidents, with Mr. Lewis A. MacRitchie as Hon. Secretary, Mr. Thomas B. Whitson, C.A., as Hon. Treasurer, and Mr. W. Melvill Sym, C.A., as Hon. Auditor.

Professor G. Baldwin Brown, Professor R. K. Hannay,

24 REPORT OF THIRTEENTH ANNUAL MEETING

Mr. W. Forbes Gray, and Mr. W. Hume Kerr were elected Members of Council.

A vote of thanks was awarded to Mr. William Angus, Mr. Henry F. Kerr, Mr. W. W. Macfarlane, and Mr. David Robertson, the retiring Members of Council.

Mr. John Harrison, LL.D., moved a vote of thanks to Mr. Cowan for presiding.

The Meeting then terminated.

ABSTRACT OF THE ACCOUNTS OF THE HONORARY TREASURER

For the Year ending 31st December 1920

CHARGE	DISCHARGE
I. Funds at close of last Account :—	
(a) In Bank on Deposit Receipt,	£205 19 7
(b) In hands of Honorary Treasurer,	0 10 10
	<hr/>
Arrears of Subscriptions,	£206 10 5
	4 11 6
	<hr/>
II. Subscriptions :—	£211 1 11
For year 1920 (350 Members at 10s. 6d.),	£183 15 0
Less—Paid in advance in 1919,	4 14 6
	<hr/>
23 Libraries at 10s. 6d., . . . £12 1 6	£179 0 6
4 Associates,	0 10 0
For year (1921), 6 Members in advance,	3 3 0
	<hr/>
	15 14 6
	<hr/>
	194 15 0
	<hr/>
III. Interest on Deposit Receipts,	12 0 10
	<hr/>
IV. Transactions sold (32),	16 16 0
	<hr/>
	£434 13 9

THOMAS B. WHITSON, C.A., Hon. Treasurer.

EDINBURGH, 17th January 1921.—I have examined the Accounts of the Honorary Treasurer of the Old Edinburgh Club for the year ending 31st December 1920, of which the above is an Abstract, and find them correctly stated and sufficiently vouched and instructed.
W. MELVYN SYM, C.A., Hon. Auditor.

Old Edinburgh Club

1921

Honorary Patrons

THE LORD PROVOST, MAGISTRATES, AND COUNCIL
OF THE CITY OF EDINBURGH.

Honorary President

THE RIGHT HON. THE EARL OF ROSEBERY AND
MIDLOTHIAN, K.G., K.T.

Honorary Vice-Presidents

The Right Hon. THE LORD PROVOST.
Sir JAMES BALFOUR PAUL, C.V.O., LL.D., Lyon King of Arms.
Professor JOHN CHIENE, C.B.
W. B. BLAIKIE, LL.D.

President

WILLIAM COWAN, 47 Braid Avenue.

Vice-Presidents

THOMAS ROSS, LL.D., 14 Saxe-Coburg Place.
ROBERT T. SKINNER, Donaldson's Hospital.
JOHN GEDDIE, 16 Ann Street.

Honorary Secretary

LEWIS A. MACRITCHIE, 96 George Street.

Honorary Treasurer

THOMAS B. WHITSON, C.A., 21 Rutland Street.

Council

JOHN HARRISON, C.B.E., LL.D., 3 Napier Road.
JAMES L. EWING, LL.D., Derreen, Murrayfield Drive.
JOHN A. FAIRLEY, 3 Barnton Gardens, Barnton Gate.
J. CAMERON ROBBIE, 22 York Place.
Rev. WILLIAM BURNETT, B.D., Restalrig Manse, Lismore Crescent.
JOHN RUSSELL, 323 Leith Walk.
CHARLES B. BOOG WATSON, 1 Napier Road.
JAMES H. JAMIESON, 12 Sciennes Gardens.
Prof. G. BALDWIN BROWN, The University.
Prof. R. K. HANNAY, 14 Inverleith Terrace.
W. FORBES GRAY, F.R.S.E., 8 Mansionhouse Road.
W. HUME KERR, M.A., University, High School Yards.

Honorary Auditor

W. MELVILLE SYM, C.A., 49 Castle Street.

Old Edinburgh Club

LIST OF MEMBERS

- AITKEN, ROBERT, 16 Hope Terrace.
Alexander, A., National Bank, 179 High Street.
Alexander, James, 45 Cluny Drive.
Allan, F. H., 37 Northumberland Street.
Allan, William K., 2 Wester Coates Avenue.
Allison, James, 5 Ventnor Terrace.
Anderson, Mrs. Arthur, 31 Bellevue Place.
Anderson, Miss Helen Maud, 'St. Vincent,' Corstorphine Road.
Anderson, John, 4 Bruntsfield Terrace.
Anderson, Martin, 45 York Place.
Angus, William, Record Office, H.M. Register House.
Armstrong, John Johnston, Millbrook, Eldin Dean Road, Bonnyrigg.
- BAIRD, WILLIAM, J.P., Clydesdale Bank House, Portobello.
Balfour, Prof. Sir Isaac Bayley, D.Sc., Inverleith House.
Barclay, Oswald, 17 Carlton Terrace.
Barker, John S., 54 Henderson Row.
Barnett, David, Corporation Museum.
Barrie, John A., 15 Abbey Road, Eskbank.
Baxendine, Andrew, 10 M'Laren Road.
Baxter, David, M.A., Elmhurst, Cramond Bridge.
Bell, Mackenzie, 11 Buckingham Gate, London, S.W.
Birnie, George R., 67 Trinity Road.
Birrell, J. Hamilton, 51 Lauderdale Street.
Blaikie, Walter Biggar, LL.D., 11 Thistle Street. (*Hon. Vice-President.*)
Bonar, John J., Eldinbrae, Lasswade.
Bonnar, William, 51 Braid Avenue.
Bowers, John, 75 Morningside Road.
Boyd, John L., The Cottage, Jedburgh.
Boyes, John, 40 Glendevon Place.
Brass, Andrew, 48 George Street.

THE OLD EDINBURGH CLUB

- Brotherston, G. M., 23 Jeffrey Street.
Brown, Charles, 9 Bernard Terrace.
Brown, Mrs. David, Willowbrae House, Willowbrae Road.
Brown, Prof. G. Baldwin, The University, Edinburgh.
Brown, Miss Joan, 17 Gilmour Road.
Bruce, Alexander, Clyne House, Pollokshields.
Bruce, James, W.S., 16 Hill Street.
Bruce, Miss, 41 Lygon Road.
Bruce, Miss, 6 Granby Road.
Bryce, P. Ross, F.S.A.Scot., 33 Craigmillar Park.
Bryce, William, 28 Park Avenue, Portobello.
Burnett, Rev. W., B.D., Restalrig Manse, Lismore Crescent.
- CALDER, Mrs. LOGAN, 60 Leith Walk, Leith.
Calderwood, Rev. R. S., F.R.S.E., Cambuslang.
Campbell, A. H., Burgh Engineer, Parliament Square.
Campbell, J. D. B., 25 Ainslie Place.
Carbarns, Hugh, 25 Braidburn Crescent.
Cargill, Alexander, J.P., 18 Wester Coates Gardens.
Carmichael, The Right Hon. Lord, of Skirling, G.C.I.E., K.C.M.G.,
 Murrayfield, Biggar.
Carmichael, Mrs., Viewfield, Duddingston Park.
Carmichael, Thomas, S.S.C., 2 Strathearn Place.
Cassillis, Right Hon. The Earl of, Culzean Castle, Maybole.
Chambers, C. E. S., Cardney, Dunkeld.
Chiene, John, C.B., Aithernie, Davidson's Mains. (*Hon. Vice-Pres.*)
Christie, Mrs., 7 Gordon Terrace.
Chrystal, F. M., M.B., 72 Dalry Road.
Chrystal, Robert Neil, B.Sc., 17 Morpeth Mansions, Westminster
 London.
Clapperton, D. A., 8 Magdala Crescent.
Clark, Alexander, Keeper, Register of Deeds, Register House.
Clarkson, James Copland, 20 Forth Street.
Cochrane, James, 24 Moat Place.
Cockburn, Harry A., 37 Royal Avenue, Chelsea, S.W.
Cook, E. R., Law Society, Chancery Lane, London.
Cooper, Mrs. Ross, 12 East Claremont Street.
Cormack, D. S., 19 Dalziel Place, London Road.
Cossar, Mrs. Isabella, Southview, Murrayfield.
Couper, Rev. W. J., M.A., 26 Circus Drive, Glasgow.

Cowan, John James, Westerlea, Murrayfield.
Cowan, William, 47 Braid Avenue. (*President.*)
Craig, Sterling, M.A., 130 Princes Street.
Cranston, Brigadier-General Sir Robert, K.C.V.O., C.B., 19 Merchiston Avenue.
Crawford, George, 60 Marchmont Road.
Crawshaw, Dr. Charles, Low Wood, Greenmount, Bury, Lancashire.
Croal, Miss Caroline H., 14 Eyre Crescent.
Crombie, David, 11 Rutland Square.
Cullen, William J., 7 Howard Street.
Cumming, David, 32 St. Alban's Road.
Cunningham, J. H., 2 Ravelston Place.
Cunningham, Mrs. Jean C., 13 Middleby Street.

DALGLEISH, JOHN J. (of Westgrange), Brankston Grange, Alloa.
Dalrymple, Hon. Hew, Lochinch, Castle Kennedy, Wigtownshire.
Darling, Alexander, LL.D., 23 South Oswald Road.
Dawson, A. B., 33 Royal Terrace.
Deas, John W., S.S.C., 63 Frederick Street.
Dobbie, Sir Joseph, S.S.C., 24 Drummond Place.
Dobbie, Lady, 24 Drummond Place.
Dobie, W. Fraser, St. Catherine's, Liberton.
Donald, Alexander Graham, M.A., F.F.A., 18 Carlton Terrace.
Donaldson, Robert, M.B., Ch.B., F.R.C.S., 'Merchiston,' Eastern Avenue, Reading.
Dott, Miss Margaret S., 215 Bruntsfield Place.
Douglas, John, 6 St. Mary's Grove, Barnes Common, London, S.W.
Douglas, L. MacQueen, 29 West Savile Terrace.
Douglas, Miss C. P., 97 Inchview Terrace.
Douglas, Robert E., 89 George Street.
Doull, John, Argyle Brewery, Chambers Street.
Dow, James, 53 Princes Street.
Drummond, W. J. A., C.A., 10 Stafford Street.
Drummond, William, S.S.C., 66 George Street.

EDGAR, Mrs. DOUGLAS, 9 Sylvan Place.
Eggeling, F., 95 Comiston Drive.
Elliot, Andrew, 17 Princes Street.
Elliot, George H., 17 Princes Street.
Elliot, Lieut.-Colonel The Hon. Fitzwilliam, 16 Royal Terrace.

THE OLD EDINBURGH CLUB

Elliot, Stuart Douglas, S.S.C., D.L., 40 Princes Street.
Erskine, Henry, 1 John Street, Portobello.
Ewing, James L., LL.D., Derreen, Murrayfield Drive.

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Ferguson, Miss Jessie, c/o Inglis, Orr & Bruce, 19a Hill Street.
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YOUNG, Dr. JAMES, 29 Manor Place.
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CONSTITUTION

I. The name of the Club shall be the 'Old Edinburgh Club.'

II. The objects of the Club shall be the collection and authentication of oral and written statements or documentary evidence relating to Edinburgh; the gathering of existing traditions, legends, and historical data; and the selecting and printing of material desirable for future reference.

III. The membership of the Club shall be limited to three hundred and fifty. Applications for membership must be sent to the Secretary in writing, countersigned by a proposer and a seconder who are Members of the Club. The admission of Members shall be in the hands of the Council, who shall have full discretionary power in filling up vacancies in the membership as these occur.

IV. The annual subscription shall be 10s. 6d., payable in advance on 1st January. Any Member whose subscription is not paid within four months from that date may be struck off the Roll by the Council.

V. The affairs of the Club shall be managed by a Council, consisting of the President, three Vice-Presidents, Secretary, Treasurer, and twelve Members. The Office-bearers shall be elected annually. Four of the Members of Council shall retire annually in rotation, and shall not be eligible for re-election for one year. The Council shall have power to fill up any vacancy in their number arising during the year, to make bye-laws, and to appoint Sub-Committees for special purposes. Representatives to such Committees may be appointed from the general body of Members. At meetings of the Club nine shall be a quorum, and at meetings of the Council seven.

VI. The Secretary shall keep proper minutes of the business and transactions, conduct official correspondence, have custody of, and be responsible for, all books, manuscripts, and other property placed in his charge, and shall submit an Annual Report of the proceedings of the Club.

VII. The Treasurer shall keep the Accounts of the Club, receive all moneys, collect subscriptions, pay accounts after these have been passed by the Council, and shall present annually a duly audited statement relative thereto.

VIII. The Annual Meeting of the Club shall be held in January, at which the reports by the Secretary and the Treasurer shall be read and considered, the Council and the Auditor for the ensuing year elected, and any other competent business transacted.

IX. The Council shall hold stated meetings in April and October, and shall arrange for such meetings throughout the year as they think expedient, and shall regulate all matters relative to the transactions and publications of the Club. Papers accepted by the Council for publication shall become the property of the Club.

X. Members shall receive one copy of each of the works published by or on behalf of the Club as issued, but these shall not be supplied to any Member whose subscription is in arrear. Contributors shall receive twenty copies of their communications. The Council shall have discretionary powers to provide additional copies for review, presentation, and supply to approved public bodies or societies.

XI. In the event of the membership falling to twelve or under, the Council shall consider the advisability of winding up the Club, and shall take a vote thereon of each Member whose subscription is not in arrear. Should the vote, which shall be in writing, determine that the Club be dissolved, the Council shall discharge debts due by the Club, and shall then deposit in trust, with some recognised public institution or corporate body, any residue of funds or other properties, including literary, artistic, and other material collected by the Club, for preservation, in order that the same may be available to students of local history in all time coming.

XII. No alteration of this Constitution shall be made except at the Annual Meeting of the Club. Notice of any proposed alteration must be given in writing to the Secretary, who shall intimate the same by circular to each Member not less than seven days prior to the meeting. No alteration shall be made unless supported by two-thirds of the Members present at the meeting.

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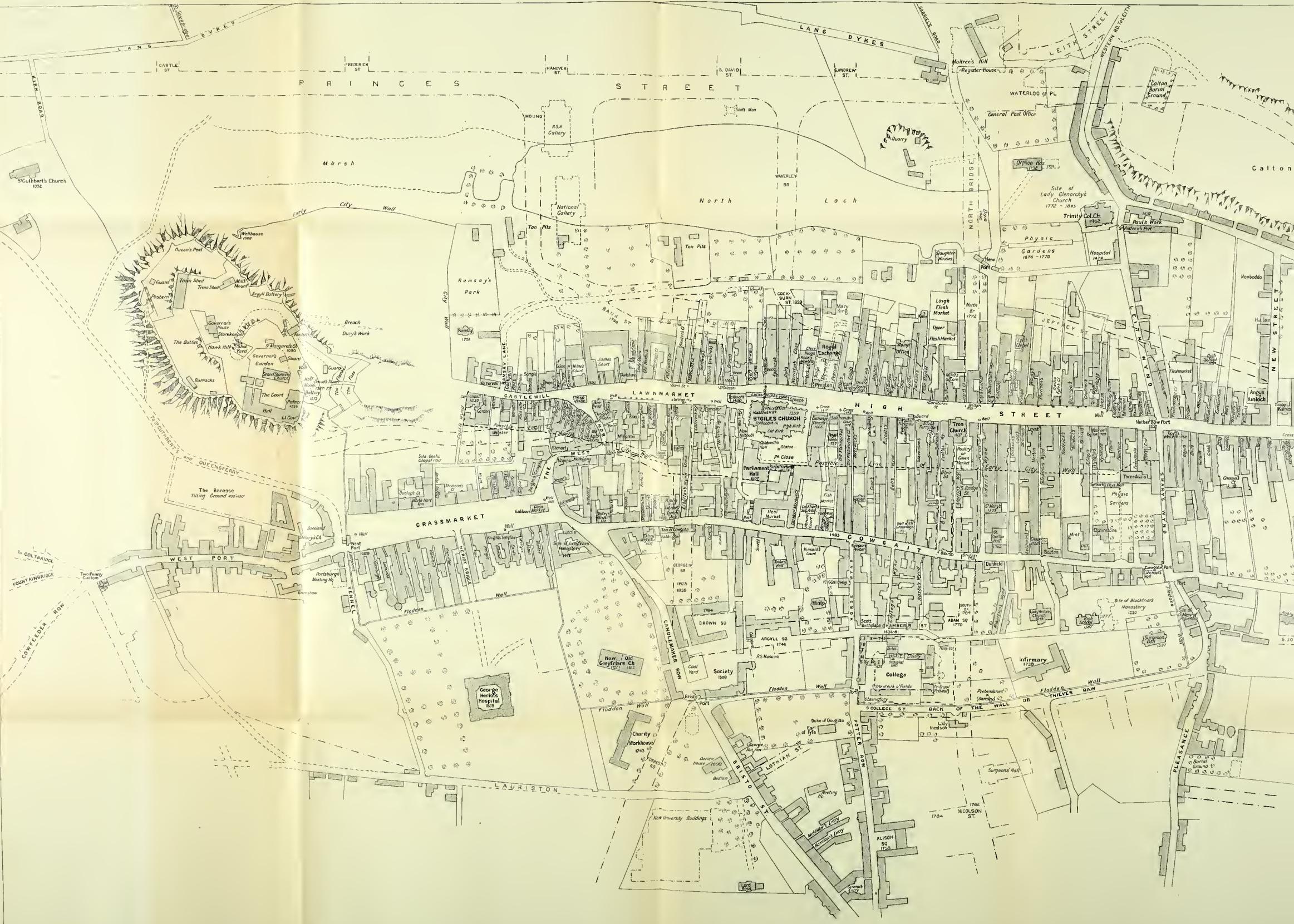
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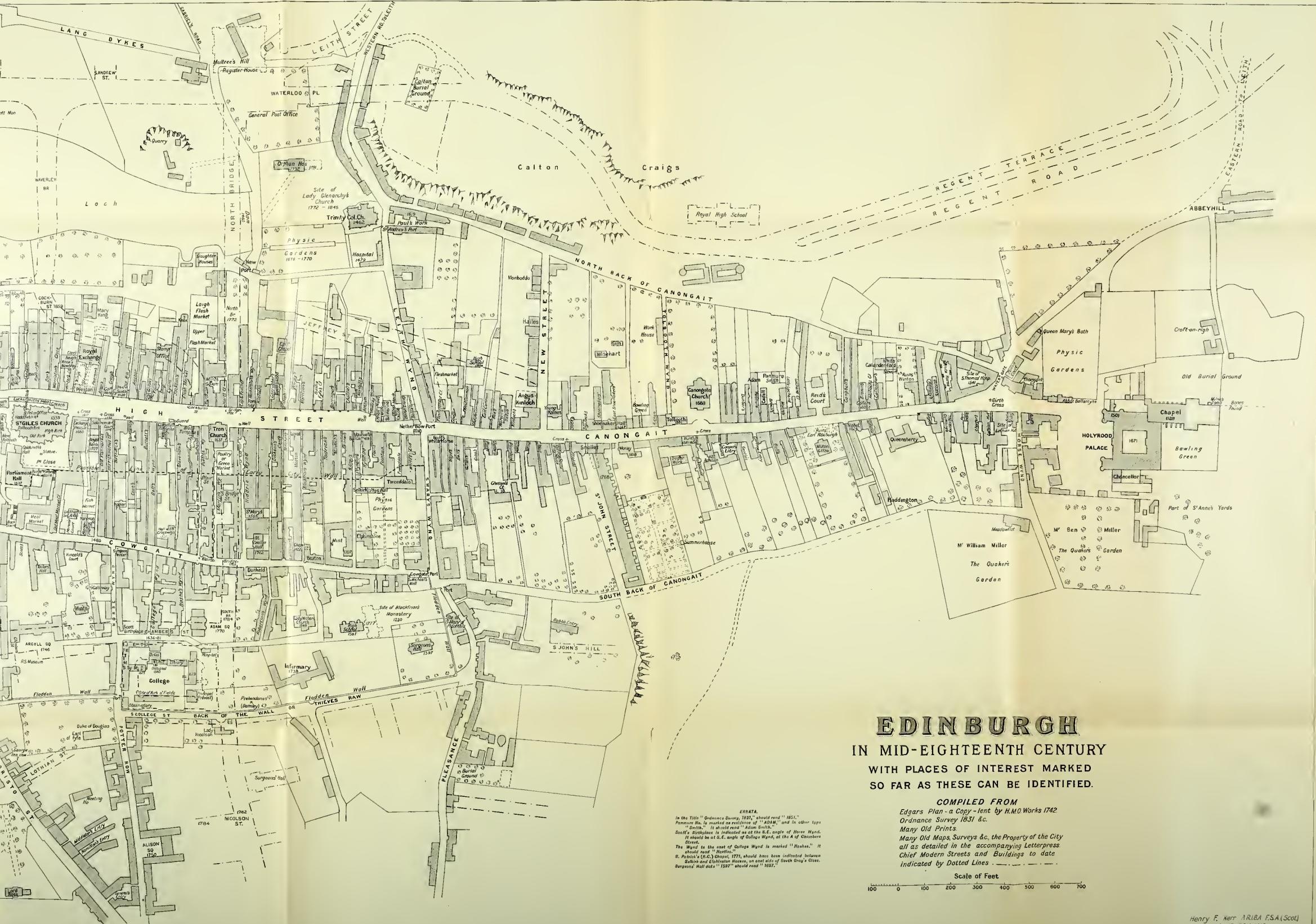
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EDINBURGH
IN MID-EIGHTEENTH CENTURY
WITH PLACES OF INTEREST MARKED
SO FAR AS THESE CAN BE IDENTIFIED.

COMPILED FROM
Edgars Plan - a Copy - lent by H.M.O. Works 1742

Ordnance Survey 1831 &c.

Many Old Prints

Many Old Maps, Surveys &c. the Property of the City

all as detailed in the accompanying Letterpress

Chief Modern Streets and Buildings to date

indicated by Dotted Lines

Scale of Feet

100 0 100 200 300 400 500 600 700

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941.44502

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